G. R. S. IX-5]

Previous references.

1879
~~191~~.
(Land Rev.)

File No. 15 of 1879

Serial Nos. 1–16

Later references.

1–15 29

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–16.

Part B for Oct-1879.

SUBJECT.

Law of land sale.

Indexed

WD 88—GPB—50,000—22-7-16

(1)

1879.

From

The Secretary to the Chief Commissioner,
of Mysore.

To

Pvt. Secy.

The Secretary to the Chief Commissioner of Mysore

Section L. R.
No. 15 of 1879
Pr. No. 1

Dated } 10. October
Despatched }
Received

Enclosure No. 1 in demi-official letter

General No. 3555-66
R No. 612

(2)

Proceedings of the Chief Commissioner of Mysore
Revenue Department.

Order:- No. 3655-66 Dated Bangalore 1st October 1879

In forwarding to the Officers marginally noted, a copy of the Selections of the records of the Government of India Home Department No. CLV on the subject of the Law of Landsale, they are requested to favor the Chief Commissioner with their opinion on the several points noted in the Circular letter from the Home Department to the Local Governments and Administrations dated 6th March 1879, published at page 432 of the Volume, at as early a date as may be practicable.

To
Judicial Commissioner of Mysore.
District and Sessions Judge Nundidroog Division.
Commissioners of the Ashtagram and Nagar Divisions.
Deputy Commissioners of Districts

Chief
Revenue Secretary

HL

R

(3) (8)

1879.

From

Sector 2R

Ex... 15 Oct 1879

L

To The Colonial Secretary
Perth
Despatch Inspector's
Report dated
Covering Sketch Diagram & Plan
by Surveyor
Dated 10 October
Despatched 11
Received 4190 Oct 18

Enclosures No.

General No. 3355 - 66

R No. 612

Forwards for Chinaman on
the permit, letter & copy of the
Inspector's report dated 2nd inst
Geological Survey Office
Perth

Twps. of the C. C
Revenue

Order. — No 3555-66
No. 612

In proceeding
officer magistrally
only of the Collectors
Districts of the Secon
Indiana, Town & Fi
No CLV, on the eight
Secon of December
granted to Fun
Commissioners with
on the second Tuesd
in the Circuit
the Home Depart
the Penal Provisions
Administration, Act
March 1870, published
page 432 of the volu
on Revenue in such cas
practicable.

Judicial Commissioners of Income.
Districts and Officers, Duties
Navigable of Division.
Commissioners of the Collectors
and Navigation Divisions.
Duty Cases of Districts.

Sec.

(5)

1879.

From The Commissioners
for Jamsetjee Jeejeebhoy

To

Secretary to Chief Commissioner,
Revenue ~~General~~ Department.

Dated 18th
Despatched
Received 18 } October

Enclosures None

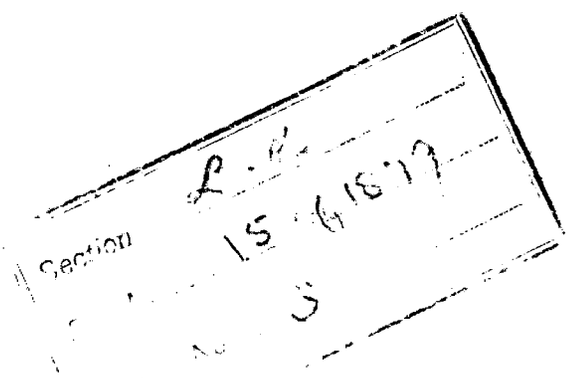
General No. 1793 } 1879-80.
R No.

Reports on the several points contained in the Circular from the Home Dept. on the subject of the Land Tenures

18.10.79
TS

Replied

Land Acquisition Act
Details of Fees
TS
20/10/79



6 (6)

1879

From

L. Ricketts. Esq.
Dy. Commissioner
Bangalore Distt.

To

C. Runga Charloo Esq. C.I.E.
Secretary to the Chief Commr.
Mysore & Coorg.

Dated 18th October 1879

No. 293—

Sir,

I have the honor to ac-
-knowledge receipt of the Chief
Commissioner's proceedings of the
Govt. Secretary, forwarding for
No. 35-5-5-8/612. an Inspection of Opinion, Cir-
-cular Letter from the Home
Deptt. to the Local Government
dated 6th March 1879, and in
reply to state as follows.

II. At present the Courts of Munsiffs, Subordinate Judges and the Small Cause Court Judge have summary or rather Small Cause Court jurisdiction upto limits of 50 and 500 Rupees respectively.

III. I do not think it would be desirable at present to extend such summary jurisdiction, as it may be difficult at times to get Judges of the Lower Grade of that stamp to whom alone can summary powers be safely or properly vested. To invest certain Judges with summary powers in order to check one particular evil, is likely in the long run to create others and perhaps worse evils. As the transactions of the Counting Houses Greater and

more complicated, then think the summary jurisdiction might be increased, not however to meet any one particular case, but on those general grounds of convenience, expedition and utility, which led to the establishment of County Courts in England, and then, subsequent gradual extension in numbers and jurisdiction.

IV. I do not think it would be at all expedient to have a plan of General assessment varying with the season. It would give rise to much fraud and collusion, and probably there would be no principle at which the inhabitants of certain villages would not come forward and allege that the season had been

so unfavorable as regards these particular villages as to entitle them to the prescribed Percentage of Remission. In a General View of famine however Liberal Remissions of Revenue will have to be made. Even then, the percentage to be Remitted will be contingent on the intensity and Extent of the famine.

V. From the Extreme of the former Principle of the Remission, and, as far as my remembrance goes, it was decided till. Village Panchayets of great use in deciding occasional disputes when the parties voluntarily resort to it out of Respect to the age, Character and Social Standing of the members, but such a

Panchayet when vested with
quasi judicial powers, to the con-
-stantly recurring acts of loss of
time and other inconvenience,
becomes quite a different
thing. Evil influences would
also begin to work, and a
spirit of intrigue to classify
itself, the management of affairs
would, ere long, result in the
most deplorable mess. Letting from
the Panchayet, having a class
of men in profession of the field
who would not work for their
honor alone; but for their own
purposes.

VI. Sir, perhaps a dis-
gression I beg to add that
the Ryots proper of this District
cannot be considered as indebted
class, nor are the Village money
lenders the exploiting evil of

harfies thus appear to be in
certain other parts of India.
Sixty Grains and Elephants
will necessarily increase the
value of the Land, and the
Ryots borrowing power upon
it. The Investors will be
careful all the Land, which
the improvidents will go to the
wall. No Laws or forms of
Legal Procedure can prevent,
stop this tendency, and which
after all, will only result in
two parties for the time being
of Society rising to take their
place as agriculturists. Sweden
wealth, as when the American
West increased so enormously
the price of Cotton, a source
Calculated to turn the minds
of Ryots similarly as in the
case in price of Iron made the

matter and even the talk
and wonder of the day in
their folly and extravagance,
but no particular remedy was
suggested in the latter case,
nor does it appear required in
the former-

III. Inasmuch the remedy of Law as Right is to
increased Expensiveness; but
after a time they will learn
that this simple Law are
only to be permanently acquired
by prudent habit - This Govern
ment, Professional, Commercial
Mercantile, or if they can't or
won't learn it, others will take
their place who have done so.
In fact some have already been
Crushed by the Expenditure
they need to get money from
Commerce so called Status Quo

Numbers Accounts and many
could not repay; but the
final result was not general
ruin to the Borrowers, but to
the Banks. To attempt to
teach such lesson by Legislation
appears to me not only practica-
-able, but dangerous, inasmuch
as other Districts or Regions not
similarly circumstanced, would
claim for the same privileges.

VIII. If flatt and glaring
abuses arise in connection
with the Issue of Land, then
it would be in the province
of the Government and Legislature
to interfere; but at present
I see nothing which makes
it appear that our present
admirable Land System is in
anything like danger. Even
without Legislative interference

(141)

interference, Section recently
brings about certain results
Covenant with Equity and the
Rights and Negative Easements.
Now "Section" Lien in Mgage,
create after a certain period,
a tenant-at-will, Rent rate
are with fixed tenancy
Rights. It is in this Section
alone should create any
like Equitable action, viz,
ascertaining the admitted Section
as far as Profits, and putting
it on a firmer Recognized
basis =

Hamilton Lennox to be
Sir
Jas. Mackenzie Esq.

Hamilton

Dy. Commissioner

NT

(15)

1879.

From

The Deputy Commissioner
Kadur District

To

Secretary to Chief Commissioner of Mysore,

Revenue *Department.*

Section L R.
File No 15 of 1879
Serial No 4

Dated Bangalore 23rd October
Despatched 27th "
Received 28 "

Enclosures None

General No.
Special No. 597 } 1879—80.

Submitting opinion on the
Local points noted in the
Circular letter from the
Department to Local Govts
and Administrations dated
6th March 1877 published
at page 432 of the Volume
of Selections from the
Records of the Govt of India

29-10-79
Revd Murphy

5/7

(16)

Ootacamund Sept.

Nilgiris District & Commissioners Office
Camp Ootacamund 28th October 1858

To,

The Secretary to Chief Commissioner
Revenue Department.

Sir,

I have the honor to acknowledge the receipt of Chief Commissioners Proceedings No. 3555-616 of the 10th Instant, calling for the remission of an opinion on the Mineral Resources noted in the Circular letter from the Home Department to Local Governments and Administrations dated the 6th December published at page 402 of the volume of Selections from the Records of the Government of India.

2 From a perusal of the detailed correspondence in the Selections, it is presumed that it is sought by an enhancement of the summary powers of Courts to punish the agricultural population indirectly by improving the value of the security which the borrower has to offer. The principle is correct on the ground that no greater hardship can be bestowed on a people than the dispensation of fine, speedy and efficient justice. In India, it is at the same time most

(17)

may succeed in obtaining the attainment of such object
to a degree sensibly approaching to that
may, however, be wished by an Assurance Society
beneficial to the Assured and to the Company
Shareholders before recommending any change
for the extension of the present privileges
of the Company it appears to me desirable
to make it perfectly clear to every Assurer
by the existing Deed of Settlement, or Agreement
etc. what privileges might thereunder be legitimately
claimed if they were not exercised. No. 100 should
therefore be considered as the Number of Policies
on which the Company might legitimately
rely for the exercise of such privileges
in the case of registered Assurances from
Rs. 50 to Rs. 100.

3. Somewhat less should be
Sanctioned for the Premium of Assurances
effected in England than Rupees, by which
it may safely be assumed that a Profit
in this Province to which alone the Company
directors, it is not likely that any profit
according to which they might be summoned
to contribute. Should the Company
lender and the report will not invite acceptance.
Such being the case, it is desirable in our
opinion that Rupees should again be
required to make Home & Foreign Assurances

6. The proposal that the land revenue should vary in accordance with the seasons is one which may have merit to recommend itself on abstract principles of justice, but if in a district in England, it were unalterable from the large sum it would open to fraud. If even in districts of one kind, the state of the crops vary, how much they are apt to do in different parts of one and the same district, and how difficult it is to judge concerning them from the experience of former Seasons is obvious. But allowing that it might be left to the higher revenue officers to determine the sum, it would be still difficult to make their system of calculation intelligible to the village accountant, and dangerous for the influence which he is supposed to possess in obtaining them exemption from assessment. Even in the height of the famine, it is well known that the village Shanbogues did not hesitate to take undue advantage of the necessities of the sufferers and if it not to be exercised then will be less temptation in times of prosperity. The system also involves a change in the assessment which has been fixed at an average, good and bad years having been taken together. It follows that Government will from time to time have the assessment in each District revised, as it is done in the Lower Provinces of Bengal entitled to participate in the profits of the season. Nor is the measure in any thing especially called for. From the returns which I

towns in their service dress, and to produce a pretty regular and agreeable variety in the general appearance of the villages.

4. In the arrangement of the different parts of the village, the same principles should be observed as mentioned in Art. 10. It would not be agreeable in most parts of England to have the houses of this class of people be made in groups of four and four and in other places a few houses of respectability and influence united with small cottages for labourers.

5. The question is whether it would be advisable to have a system of village parades. There are many advantages in favour of them, but the latter were not to be decided upon, but if the latter were to be adopted then a decision by a committee appointed for the purpose. The simplicity of the village people is, it is feared, one of the greatest impediments to the advancement in civilization and may be mentioned with the first. When we consider that in Lancashire and the majority of them are employed at their neighbourhood the cases of complicated accounts between the cotton dealers and the weavers but in other cases sections of communes are embodied as villages of about 1000 souls it depends on the advantages of the above plan to decide.

(18)

towns in their jurisdiction, so that redress
petty cases may be obtainable without
:jecting the parties to the expence of trave
long distances.

4. In Madras the difficulty is partly
by allowing village Munsiffs jurisdiction
to Rs. 10. It would not be feasible in
parts of Mysore to obtain the services
this class of men: but a commencement
be made in Nanjanabad where we
head and Mandé Gaudas ready at h
and in other Talukas a few Gaudas of
respectability and influence might a
invested with limited civil powers o
:bation.

5 A suggestion is thrown out
recourse might be had again to the
system of village Panchaets. There
in their way in former times when th
were not to be depended upon; but th
have so improved that a decision o
:stituted authority is preferred. The
simplicity of the village people is, it
one of those good things which the a
civilization may be numbered wit
they are now broken up into fac
the majority of them are as corrupt
neighbours. In cases of complicat
reference to arbitration is still re
but in other cases feelings of ani
embittered, as village Punchaets
it difficult, and it is not always pos
such decisions as may satisf

20

I gathered for the famine Commission, I am satisfied that the report of Byrne is not able to bear up against the hard reasons. It is only when they are followed by a state of distress is in need of help. In times of famine, commission should be allowed generously; especially in the case of revenue payable for land, dependent on tenants' willingness, but in the case of ordinary fluctuations, they are neither necessary nor expedient.

I have the honour to be,

Sir,

Your most obedt. servant

J. Hill

Dy. Commissioner

Kanara District

19-11-79

21

Section L.R
File No 15-4-1879
Serial No 5

Re ... 1879.

From The Asst. Collector Rangoon

To

Secretary to Chief Commissioner,
Revenue General Department.

Dated 18th November 1879.

Despatched

Received

ENCLOSURES NO.

General No. 3[illegible] } 1879—80.
No. 1153

Sir,

With reference to the Chief Commissioner's proceedings No. 3[illegible] M. 242 dated 4th October 1879, I have the honor to submit herewith a memorandum containing my views on the question of amending the Civil Courts Regulations with reference to section six of the

5/7/80.

Le maître d'école anglais.

Le Comte de Grammont,

Sire,

Pour tout Art, Science,

Et Commerce,

Petit Tableau Leçon

Memo

The first point on which the Government of India in their letter No. 0-165, dated 6th March 1874 ask for opinion is, as to the expediency of altering the Courts of Criminal Judicature established and existing within that District and subject, so that jurisdiction as to the subject matter of the suit.

2. In this connection the Municipal Commissioners, in their letter, principal station, consider that the jurisdiction

up

up to Rs. 20, and the Subordinate Judges of Circuit Stations invested with Small Cause jurisdiction up to a limit of Rs. 500 within the local limits of the Municipality forming their Headquarters or Bangalore, as there is a separate Court of Small Causes, the Subordinate Judge exercises no Small Cause jurisdiction within the Town and Cantonment of Bangalore, but he has also temporarily vested with such jurisdiction over the Bangalore Talook, excepting the Town and Cantonment, up to a limit of Rs. 100, and it is in contemplation to raise the

pecuniary

pecuniary limit to Rs. 5'00-
the Munsiff's Tanjavur
exercise original Civil
Jurisdiction.

3. Limit that pecuniary
of Munsiff and Sub-ordinate
Judge be located in one
place. Sub-ordinate Judge
should, in preference to the
Munsiff, be vested with
Civil Jurisdiction.
The distance of the parties and
witnesses would have to travel
would be the same, whether
the parties will have the
advantage of having their
suits decided by a superior
and more experienced Officer,
assisted by a higher Class

of Pleaders to create here
no system of law-courts for
special advice and assistance
to litigants desirous with
such advice and assistance
are prepared to risk cases
which are summarily
decided and are unappealable
than in appealable cases.
In the former case the marriage
of parties, which was supposed
to be terminated, is
valid, while in the latter case,
even though a suit may be
wrongly decided owing to want
of proper professional advice
and assistance, the decision
may be set right in appeal
or second Appeal. Similarly,
therefore

Advocates 1st Class Readers
are men of sufficient ability
and faithfulness, but I am
afraid that among the 2nd
Class Readers the number
whom is gradually and
steadily increasing, there are
many who were formerly
Mukhtars or Agents to the
remnants of the old Vakeels,
who were considered a dis-
grace and danger to the
Country. I would certainly
avoid the interference of the
lower part of the profession
in Cases which have to be
summarily decided and are
consequently not appealable.

4. It may be said, that
the

Therefore that additional Cause
should however practicable
be tried only by the Supreme
Court, so as to admit of the
parties availing themselves
of the services of the highest
class of Pleaders or Advocates
also, who are the most expe-
rienced, not only in point
of Circumstances, but also in
point of character. Now the
man of competent knowledge
in this Law and of respectable
character, should be admitted
as Advocate or Pleader. Unless
this mode be pursued, Litigation
and Consequent uncertainty
will be a bed of unprincipled
and strong lawyers. Our

Courts

the administration of justice
should be cheap and speedy
but I am afraid that if
law be rendered very cheap,
it will be inefficient and corrupt
so that even in cases of the
nature of small causes,
of miscarriage of justice
is to be avoided, the suitors
cannot avoid incurring the
charges necessary to secure
proper trial and proper disposal
of the Cause. The sum in dispute
may be small, but the
difficulty of adjudicating
properly with regard to a
small sum, and so as to
prevent further litigation
and expence to the parties, may
be as great as with regard
to

to a large one. A claim for
~~P~~ 100 may be tried with
as many difficulties, both
as to law and fact, as a
claim for ~~P~~ 10,000, and it is
unreasonable to assign
the difficult and complicated
Cases to the inferior Judge
merely because it involves
only a small sum. In
my own experience I think
there has been a great
miscarriage of justice in
the exercise by the Courts of this
summary jurisdiction than
in the disposal of regular
appealable Cases; and in the
lower Case the miscarriage
of justice is more likely
remedied

remanded or put in irremediable
cases appeals may be allowed
by Law in such Cases.

6. In places like Bagirmi
Abyssinia and Senegambia where
Kingdoms & States Christianity
and civilization are locating
together; it would be a
great improvement on the
existing system - an improve-
ment tending to secure better
administration of justice -
if the district and subordinate
Judges from time to time into
a Court for the disposal
of Small Causes. Once or twice
days in the week, if set apart
would suffice for the purpose
and the pecuniary limit
may be fixed at 500 Rs.
or

a sum, named to 1000 Rupees,
and the territorial jurisdiction
comprises the Head Quarter
Municipal Division, with
option to the parties, resing
in the other Sub Division
of the District, to file suits
of the nature of Small
Cause in the Subordinate
Judge's Court, to be tried
by the District and Subordinate
Judge. Then again the
District Judge may at times
sit with the Judge of the Court
of Small Cause to try any
important Cases, and also
to hear application for
new trials. If is indeed a
important, and more especially
so f

to, in a tribunal where decisions are final, that the Cases should receive due consideration, and, wherever practicable, be heard and disposed of by 2 or more Judges sitting together: No costly expence will be entailed on the State by this arrangement, while the Courts for adjudication of Civil Causes presided over by 2 Judges will be more copious and more speedy, resulted to than at present. The original and Appellate work of the Courts will also be greatly lessened, especially in the 3 principal and litigious districts of the

the Province

of Nelspruit to Magistrates

who are not stationed at the

Head Quarters of Districts,

the jurisdiction of Small Cause

Jurisdiction up to a certain

limit is necessary, otherwise

there will be appeals in

many petty Cases and

parties subjected to unnece-

ssary vexation and expence.

The Magistrates, in these Courts

are located at Stations other

than District Head Quarters

may, if limit, be vested with

Small Cause Jurisdiction up

to £50, as in the Cases in

Natal vide Act IV of 1865.

7. As regards the nature of the suits cognizable by Courts of Small Causes, I suggest no modification of section 6 Act XI of 1865 (which is quoted in the margin for ready reference) is necessary—

6. The following are the suits which shall be cognizable by Courts of Small Causes, viz, claims for money due on bond or other contract, or for rent or for personal property, or for the value of such property or for damages, when the debt, damage or demand does not exceed in amount or value the sum of 500 Rs. whether on balance of account or otherwise: Provided that no action shall lie in any such Court—

I. On a balance of partnership account, unless the balance shall have been struck by the parties or their Agents.

8. I am afraid that Taluk or Village Munsiffs in Mysore, as a class, are not intelligent enough to be entrusted with the

the provisions of the Private Irrigation Act, 1863, or the acts incidental or Village Lands subject to the limitations and restrictions specified in Madras Regulation II. I and VII of 1816. With the education now progressing, a better class of moral feeling may in time prevail among Headmen of our Villages. &c.

I. For a share or part of a share under an intestacy, or for a legacy or part of a legacy and

II. For the recovery of damages on account of any alleged personal injury, unless actual pecuniary damage shall have resulted from such injury.

III. For any claim for the rent of land or other claim for value a suit may now be brought in a Revenue Office, unless, as regards arrears of rent for any such suit is made through the Civil Court or shall have been expressly invested by the Local Government with jurisdiction over Claims to such arrears.

"

Sapo

Pensions per annum, it would be well to try the experiment in the case of a selected few, who may be reported upon by the Deputy Commissioner as competent and worthy of being vested with Civil powers such as are now exercised by Village Munsiffs in the Madras Presidency.

9. I believe I am not required to give my opinion on the question of adapting the assessment of the Land Revenue to the Variations in the seasons, as this is simply a Revenue question, which will

will be better dealt with
by Deputy Commissioners
of District -

C. Hammond Esq
18 Bar
Dist Deputy Judge -

Rec'd 18/12/79

1879.

From

To The Commissioner of Settlement
Mysore Shimoga, Kadur

Dated 15th December

Despatched 15th December

Received 17th December

Enclosures No. 6

General No. 4790 — 6

No.

Section 42
No 1579

This Office No 3556-66
R612

15-Oct/79 requesting opinion on the several points noted in Cir. letter from Mr. Dep. to Local Govts. dt. 6th Aug/79 published at page 432 of the Selections from the Records of the Govt of India Home Dept on the subject of the Rights of Land Holders

I have attention to the above & request an early reply.

No. 0

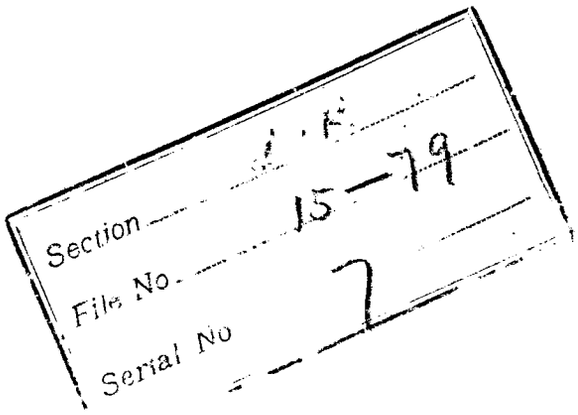
X
Porter

1879.

From The District Judge
Achhagram Division

To

Secretary to Chief Commissioner,
General Department.



Dated 24th } December 1879
Despatched
Received 27.

Enclosures None

General No. 351 / *No.* } 187 —7 .

Informs that he will submit his reply about the subject of the law of land sale when the papers called are received in this office.

25-12-79

The [illegible]

No 351

[illegible]

District and Sessions Judge's Court,
Nehdagram Division,
Dated Bygone the Decmber, 19

To,

The Secretary to the Chief Commissioner,
of Bygone,
Revenue Department-Bangalore.

Sir,

With reference to your circular
No 9-31-6/833 dated 13th instant, drawing my
attention to the subject of the law of land
sale, I have the honor to state that
the papers are in circulation among
the subordinate judges and two of the
Moonsiffs in this Division, who have
been requested to submit their opinion.
As no reply has yet been received
from them though two reminders have
been sent, I have requested them to
return the papers at once, when a
reply will be submitted.

I have the honor to be,
Sir,
Your most obedient Servant,

[illegible]

District and Sessions Judge
Nehdagram Division

lcl

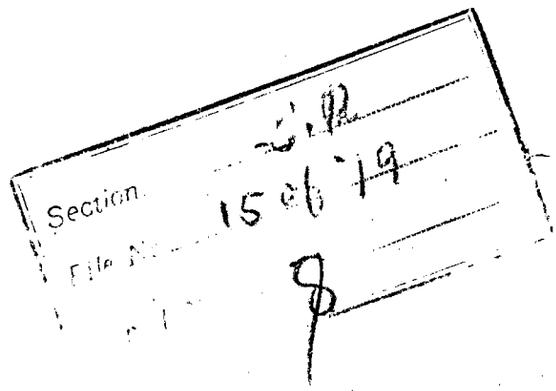
1879.

UE

From The Deputy Commissioner
Central Coorg &c

To

Secretary to Chief Commissioner,
~~Revenue General~~ Department.



Dated 24th December 1879
Despatched
Received

Enclosures No. /

General No. 323 / No. } 187 —7 .

Submits opinion on the several points noted in Circular letter from Home Department to Local Government dated 6th March 1879.

31-12-79

Inspection of Public Offices

Statement showing the rainfall in the several Talbots of Tenn. Dist. from 1868 to 1879.

Talbots –	1868		1869		1870		1871		1872		1873		1874		1875		1876		1877		1878		1879	
	N	C	N	C	N	C	N	C	N	C	N	C	N	C	N	C	N	C	N	C	N	C	N	C
Chickamauga	21	27½	22	89½	26	15	25	95¼	28	35	31	1	35	3¼	12	1	9	48½	29	9½	26	42¼	24	89½
Dunegan	15	1	15	7	9	30½	9	03	9	7	13	65	31	40	13	13	3	85	24	25	21	12	19	9
Greenback	24	02	15	86	20	12½	19	92½	28	11	19	1¾	20	37										
Tennessee	24	03	7	13	7	63½	17	86¼	24	36	22	4	26	37	28	6¼	4	17½	26	5	16	46¼	20	46¼
Dallas	11	80	13	78	14	81	17	15	15	14	16	60	26	43¾	8	1	4	20	22	41½	18	27½	16	3
[redacted]	11	48	14	82½	11	94	21	54½	14	[redacted]			[redacted]											
Dunegan	14	88	13	41	15	70	12	90	13	70	14	53	20	12	4	81	6	52	30	91½	15	74	21	35
Standifer	24	99	18	80	17	80	17	21¼	19	23	10	75	37	19	8	12	4	20	25	31	24	73½	19	22
Hardy	27	75½	22	46	23	46½	16	40	25	32½	24	72	36	19	9	30	10	53	28	17	18	85½	23	13¾
Savannah	38	72	23	26	17	30	21	99	19	22	16	68	42	22	15	17	8	10	27	10	30	92	26	10

Chattanooga Dis
Signal Office
December 1879

Sergt Signal Corps

No 328

4-4

Secretary to the
Govt. Commercial Dept.
Secretary Legislative Dept.

To,

The Secretary to the Govt. of Mysore.
Revenue Department.

Sir,

With reference to the Govt. Commercial Proceedings No 3565-66. dated the 14th Octo-
R. 612.
ber, I have the honour to submit my opinion on the points noted in the Circular letter of the Government of India Home Department, dated the 5th March 1867 to the Local Government.

2. I need hardly say anything, regarding the Expediency of diminishing Grants of Certain Grades with a view to ultimate Extinction. The question is not a new one, and has already been fully considered. The Grants in question are not of great Antiquity, being in most cases under 100 years, and are to a large extent Endowments for Charitable purposes. It is also to the Consideration of Private Individuals that the Duty of providing for Education should be entrusted as much as possible, and the Grants diminished as the Resources of Institutions increased.

3.

3. A Barrister has primarily private with Summary proceedings only, but may act specially in some few instances which are not the Head Quarters of the District. In any part shall be glad to see Barristers desire of Summary action appear to, they are not simply certain to discuss the case, but with the Clerk of their respective Police District. They are a very intelligent and honest body man and receive a good training. The general practice of professing petitions summary, based on Confidential Bags in large town may be continued, the Barristers not having any Summary powers in their particular districts.

4. Summary jurisdiction may in any opinion be given in respect of civil of the description mentioned in Section 8 of the Magistrates Courts Act 1903, with this provision that in the Barristers Court the value of the subject matter does not exceed £5 stg.

5. Action has been taken by the Government of India to have included in the Metropolitan Magistrates Jurisdiction the powers of the Presidency Magistrates, and expressing with feeling of satisfaction to the working of the Courts, under which Courts of Village Barristers and Panchayats have been constituted. In Madras many civil cases arise in a Barristers and Magistrates Court, and it would be desirable to consider good to give such powers to Village Panchayats in the Madras Presidency.

6. The majority of our Patels have not risen higher than the ryots amongst whom they live, and are like the ryots totally uneducated and with a narrow range of intelligence". The Madras Regulation IV & V of 1816 which contain the law on the subject presuppose the ignorance and illiterateness of village heads and provide for aid being given to them by Karnams not only clerical but also in the shape of advice. Most of the patels are incapable of acting independently and the influence which the Shanbogues exercise over them is so apparent that it is easy to understand that they will only be subservient to the Shanbogues. Except in rare cases where force of character may be evinced the Patels will be puppets only in name, the real authority being exercised by the Shanbogues, whose influence for good is generally considered doubtful.

7. It will no doubt be asked why, if the System has worked satisfactorily in Madras it should not do so here. Were the Madras Patels of 1816 a better class of men than our Patels of the present day? I do not say that they were, but I apprehend that the state of things which I foresee must have followed the enactment of the Regulations referred to, and still exists there to some extent, though in the course of 64 years the village heads may have gradually awakened to a sense of their own importance.

8. In the above reasons I am of opinion that the Petitioners ought not to be made subject to the Regulations, discriminately. I am decided to adopt with some modifications the suggestion of the Resident in the Mirzapur Administration Report, who says that, "In every large village or town a Panchayat "should be established consisting of two, three, "five or more respectable and influential "persons of that village or town. If there are "two or four small villages or a few hamlets "near another a Panchayat should be "established in one of those villages, and its "jurisdiction should extend over all of them". In adopting this suggestion, and the creation of village Panchayats based on election, I would be glad to receive the assistance of a Panchayat and Panchayat Court in the case of each Talukdari village in the Province, and also in the case of two or more joined together for the purpose. There are petty villages, and so many scattered hamlets in the villages, and so many Petis in the ranges of Talukdari. In some villages there are two, three, four, seven and five, and twenty-two or thirty-two scattered dwellings of two or more ranges where one is small, and according to the population of the village about six persons to select a Panchayat from. I trust that among that number one intelligent and respectable person may be found, who can read and write and who is capable of acting independently of the Talukdar

Sarangee, who may be appointed as Moccaddam for the range. It should be open to the Patel Moccaddam to choose the required number of Panchayatdars from among the respectable men of the range including the other Patels, of whom lists may be formed with the aid of Amildars and duly published. Powers may be given to the Patel Moccaddam, and the Panchayat similar to those mentioned in the Madras Regulation, care being taken that the stamp is kept out of their way. Successors to the office of Patel Moccaddam should be selected from among the Patels in the range. This office should never be hereditary as the Patel is. The Patel holding the office of Moccaddam should be liable to removal from that office for proved incapacity, misconduct or unpopularity.

9. I may mention here that the village Police Patels, under Act VIII of 1867 provide for Patels being commissioned under the orders of the Judicial Commissioner to try certain offences, and so far as I am aware, in no instance has this provision of the law been availed of, but it may be availed when Patels of intelligence and respectability are selected for the office of village moccaddam.

10. Lastly in regard to the question whether there are any districts or parts of districts in which the plan of an assessment of the land revenue varying with the season might be

the enclosed note and envelope, I beg to submit a statement showing the condition in the Church Funds of the district for the past year to date. Things in Ireland have been very disquieting, but I sincerely trust the system of the assessment having been settled the Church will be able to get better times.

I remain Sir
Your faithful servant in the Lord.

Archdeacon of [illegible]
Rural Dean Secretary
Church Temporalities Fund.

1880.

From

To

Secretary to Chief Commissioner,
~~General~~ Department.

Dated

Despatched

Received

Enclosures No.

General No. 397 / No. 1880 — 81.

Section B
File No 15 of 19
Serial No 2

No 397

District Police Office
Aylesbury
Bucks

To

The Chief Constable
of Aylesbury

Sir

I have the honor to forward herewith a Certificate of Character of Police Constable 208 R 6/2 Arthur Saunders who is about to leave the Force of this County on his being appointed Police Constable for Ipswich and to state that during his service in this County he has always conducted himself in a sober and steady manner and has performed his duties to my satisfaction.

The Police Authority of Ipswich will be informed of the Constable's appointment and requested to forward his Certificate of Character to me.

I have the honor to be
Sir
Your obedient Servant
Chief Constable

Should not be dated
Sir. Letter
until it is signed.

Lair in question right of the Province to be taken for the relief of right in part of the Ocean, and the questions propounded are.

1st Whether it would be competent for Canada to form of British Columbia with a Territory, part of the Province, which is bound by continental and also within what limit and subject to what conditions of the Province

2 Whether there are any Districts or parts of Districts in which the property of Crown Revenue of the Land, Timber Fishing, Mines might be affected with advantage.

3 The further investigation of the Boundaries of Districts.

The question how does from the Imperial opinion of the Secretary of State how some of the first Canada would be at the Cession of the Province of the Ocean are totally beyond the scope of the Imperial, the Local Government

Can

Cum de lucru e tale care nici de
cum inteligem nici nu ne gandim
la ceea ce este lucru ne
gandim cum este, ci ne gandim,
ce sa facem cu el, cum il
facem, unde ne este el de folos,
cum ne este el, cum il
folosim, ne gandim la el ca
la ceva ce ne este de folos,
la ceva cu care avem de a face
in lumea aceasta si ne gandim
cum sa-l folosim, ne gandim
la el ca la ceva ce ne este
prieten, ceva ce ne ajuta,
ceva ce ne este de folos.

Si tocmai de aceea, pentru
ca lucrul nu inseamna
pentru noi ceva cu care
sa avem de a face
in mod direct, ci
numai ceva ce ne este
folositor, ceva ce ne
ajuta, ceva ce ne este
de folos.

Cu ele este de asemenea
cum este cu lucrul.

Jurisdiction of the Police Station of the Town and Port Magistracy located.

The area of the Jurisdiction of the Magistracy and the Division and Sub-

Head quarters of Magistracy	Situation of Station	Area of each Station	Population
Myalee	1 Myalee	8	20,000
	2 Mullad	3	8,000
Sangampad	1 Sangampad	6	15,000
	2 Gudumbur	3	7,000
	3 Chinnagopar	20	23,000
	4 Chinnapet	5	9,000
Mussoor	1 Srirangapatam	7	18,000
	2 Gudalore	5	12,000
	3 Nagamangala	5	13,000
Shiriyam	1 Shiriyam	5	8,000
	2 Mandya	3	8,000
	3 Maddur	4	10,000
	4 Nagamangala	3	8,000
Seringapatam	1 Seringapatam	4	7,000
	2 Nagamangala	6	12,000
	3 Kirugavalu Palam	7	8,000
	4 Attiguppa	3	8,000
Hassan	1 Hassan	3	7,000
	2 Konanakod	4	8,000
	3 Nagamangala	3	8,000
	4 Belur	4	6,000
	5 Arsikaly	6	12,000

The Magistracy limits with Police Station in the Town and Port Division

Arsikaly

Adding Minutes May 2nd 20

The Council this time Consisted of
a Joint meet Consisted by Ratio
and it is agreement that Mr Hoyland
not be Retained, and the Energy and
Determination in Which part of business
Among them Ratio Mill should
be Gained in the Ground, Retain Among
Mr Hoyland for the Good Runner Mr
Hoyland upon no Ways Retain.

The Energy Mention of Council
Said in Mrs Report in Ref Ago and the
Mark Expenses and Mr Ratio Should
be a Certain Consent Made in
Mrs Report Mr Hoyland Mill Council
Would be Mr Mrs Report Said Mrs Report
of Said Mrs Hoyland Mill Not Retain
Gaston in Mrs Said Mill Mrs Retain
Above.

The Energy Mention Mr Hoyland Mrs
for the Good Mrs Mr Hoyland Mrs Mrs
Mrs Mrs Mrs Mrs Mrs Mrs Mrs
further from the Good for the Members
of Mrs Mrs Mrs Good Mrs Mrs

Which

Whereas Application hath been made unto the Justices of the Peace for the County of Middlesex at their Session held at Hicks's Hall in the said County on the Fourth day of July instant by Thomas Hall of the Parish of Saint Giles in the Fields in the said County Victualler and Thomas Hall of the Parish of Saint Giles in the Fields aforesaid Victualler two of the Persons in the Act of Parliament hereinafter mentioned for Licensing Hackney Coaches and Chairs within the Cities of London and Westminster and Liberties thereof and within the Bills of Mortality and Parishes adjacent in the County of Middlesex and Surrey and for regulating the Drivers thereof and for repealing an Act made in the Eighth Year of the Reign of Queen Anne for Licensing Hackney Coaches within the Cities of London and Westminster and Liberties thereof and within the Bills of Mortality and Parishes adjacent in the County of Middlesex and Surrey and for regulating the Drivers thereof and for other purposes therein mentioned that Licenses may be granted to them the said Thomas Hall and Thomas Hall to keep and let to Hire Hackney Coaches for the Purposes in the said Act mentioned and that the Number of Hackney Coaches to be licensed by the said Justices of the Peace for the Purposes aforesaid be limited and appointed And whereas the said Justices of the Peace at their said Session have taken the said Application into their Consideration and have appointed the Number of Hackney Coaches to be licensed for the Purposes aforesaid to be Three hundred and Fifty

Thos

Avis à l'Assemblée Générale du Syndicat
Conformément aux dispositions du Titre
Premier de la Quatrième Partie du Code du
Travail, Monsieur le Président de la Chambre
Syndicale des Entrepreneurs de Travaux Publics
a l'honneur d'inviter Messieurs les Membres
de la Chambre Syndicale à la Réunion
Générale qui aura lieu le Mercredi 15
Courant à Dix heures du matin, au Siège
Social, 3 rue Pierre Charron, à Paris.
L'Ordre du jour de cette Réunion est le
suivant :
1° Rapport du Président sur la Situation
de la Chambre Syndicale pendant l'Année
écoulée et Questions diverses ;
2° Rapport du Trésorier sur la Situation
financière de la Chambre Syndicale ;
3° Nomination de Membres du Conseil
d'Administration en remplacement de
Membres sortants ;
4° Nomination de Vérificateurs aux Comptes
pour l'Année 1913 ;
5° Questions diverses.
Les Membres de la Chambre Syndicale
désirant faire inscrire une question à l'Ordre
du jour de la Réunion sont priés de
l'adresser au Président, 3 rue Pierre Charron,
avant le 10 Courant.
Le Président,

appointment of village Panchayats being
given to them would be a detriment to
the whole body.

The circumstances of this Province
do not call for the special measures
considered to be necessary in the
Deccan where as was remarked in
the course of the discussion on the
bill, the difficulty to be grappled
with is local and exceptional and
the remedies confessedly experimental.
With regard to the suggested plan
of an assessment varying with
the seasons, it seems to me that
this is only another name for the
grant of remissions, except that
they would be given in advance
for large areas instead of to indivi-
duals and would affect a proportion
instead of the whole of the assessment.

The enquiry of the Governor General
in Council addressed to the Government
of Bombay in letter 222 of 25th February
1879 page 782 of the selections is
limited

Limited to the Duties of Duties of Bonds incurred in the Act that was to be Act which fell Cases for the Right Duties of Duties of Bonds incurred in the Act that was to be Act which fell Cases for the Right

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The Act made the Duties Cases Bonds incurred for the Act which Duties Cases for the Right Duties of Bonds incurred in the Act that was to be Act which fell Cases for the Right

lessened, and it then resulted in the Revenue Remedy Commissioner's 987 of 26th December 77.

"In Settled Districts the general principle is that ryots must take the good years with the bad, and no reduction can be granted. But the calamity of this and the two last years' crops has been of such magnitude that the general rule must be set aside for once."

At a later period order 37/8 Revenue 35. 378-9 was issued regarding recovery of arrears & sanctioning remission to certain classes of ryots.

The difficulty of applying any rules to cases of this description is too well known to require detail. The whole population is of course leagued against the tax-gatherers, and when the latter are unscrupulous ly enorm- ed frauds on Government are committed, which would certainly be

be aggravated if it were a recognized principle that the Revenue of whole Districts or Talooks would fluctuate with the season.

Excluding the considerations however the application of the system would in Mysore be in many cases even more arbitrary and hazardous than individual inquiries, for the rain fall is so varying and capricious that the fields in one village may reap full crops while the crops fields in the other are a total failure.

I see little or no prospect of a successful working of the Punchayet system in Civil matters. It originated at a time when Courts were not in existence and can only be useful when the people of [illegible] and members of Punchayetdars [illegible] which there is now no difference among debtors and creditors to be.

In Mysore it was followed for a long ~~series~~ of years as part of

of the Judicial System of the County
and duly have given and granted
Red last Confirmed and

Pierce M. Hamilton,
Jno. Mac Allister

Circuit Judge
Middle District

63

District & Sessions Court
Chitradurga

No: 324

To

The Joint Commissioners
Bangalore.

Dated 2nd January 1880.

Sir,

I have the honor to acknowledge the receipt of your Circular No: A-65/75 dated 24th Nov: 1879, calling on me to forward my Opinion as to the practicability and advantage of transferring Village Officials with the powers of Village Munsiffs to certain Hobalies.

I requested the Taluq Sheristadars, Munsiffs and Munsiffs and Head Clerks of the Taluq Cutcherries in this Division to give their Opinion on the subject, and those of them have been received, I do not enclose the Answers received from the Officers noted in the Margin with a precis of their views which are given in Kannada

From Sub Judge Bangalore.
Rec: 3.30 p 24.12.79
Dy Munsiff Bangalore. Rec: 14.9 of 12.12.79
Rec: 15.3 of 20.12.79
Dy Dy Sheristadar Rec: 9 of 22.12.79
Dy Dy Sheristadar Rec: 242 of 25.12.79.
Dy Huliyar Sheristadar 112 of 8.12.79
Dy Sheristadar Dy Huliyar 122 of 12.12.79.
Dy Asst Judge Huliyar Rec: 83. 1.12.79.

Dr. Wilson Apptt. Commissioner Govt. Report. 11.79
Dr. P. Krishna Rao Apptt. of 26.11.79.

It is difficult to give an opinion on the subject without full information of the working of the system in the Madras Presidency, and whether it has answered the purposes for which it was introduced as stated in the preamble & Regulation II of 1816, namely, lessening the Expence of the Zillah Courts, diminishing the Expence of Litigation in petty Civil suits and promoting the speedy adjustment of such suits without subjecting individuals to the inconvenience attending a long absence from their homes.

For some years it appears that owing to the precautions in the Regulation against abuse of the authority by Village Moonsiffs, comparatively few of the decisions of the Courts appealed to them, for Sir Thomas Munro, who, as head of the Commission for remodelling the Judicial system in 1816 had appointed the institution of Village Moonsiffs Courts, wrote in 1827 (minute on the abolition of Zillah Courts 3rd January, 1827) as follows.

"It is remarked by the

Honorable Court, the Village Panchayats, estimated to amount to fifty thousand, are vested with small unrestricted powers, and are subject to great temptations which many of them are unable to resist, but the fear of prosecution in the Civil Courts was an important check upon them, and the late Decision of Courts will remove the check. This opinion is not supported by any Precedent we have yet had. The Village Panchayats are often from ignorance, that they have not the authority, and Parties bringing Complaints or Suits in the Civil Courts to Small, that most of them avoid exercising the authority entrusted to them. This unwillingness was proved at the time the Regulation was passed, but not to the extent it has since been found to exist. Had they been left accessible & ancient usage, responsible, in the first instance only, & their Decision, they would, in general,

have

have circumscribed the limits of the petty jurisdiction assigned to them. But the fear of the Courts is so great, that only a small portion of the more intelligent Natives to act as Vakils, the Vakils of the Courts has not made them more confident and it will yet be a very long time before they acquire confidence sufficient to enable them to become so useful in their subordinate station as they ought to be."

Since then the Civil Courts have greatly increased, both in number of Cases, whether the Village Moonsiffs Courts are more or less resorted to in comparison with the Courts, than they were at that time.

The Number of Suits disposed of by Village Moonsiffs in the Madras Presidency, could be given in the aggregate, but it is small if compared with the total number of Heads of Villages, as shewn by the last Returns of Madras.

The Administration in Districts of the Madras Presidency for 1st.

Appendix

Appendix B to Chapter II gives the number of Village Tribunals, 12 heads of Villages exercising Civil and Criminal jurisdiction 204, 8 &c of Division 30, 4 of actually Exercised Civil and Criminal jurisdiction, but out of this large number, only 2, 16 Exercised Civil jurisdiction deciding 4 of 454 Cases or 23 each.

I am informed that all heads of Villages in Madras Exercise Criminal jurisdiction, but not only Specially selected men are invested with Civil powers, and if this is the case it is not surprising to note that so small a proportion have been found qualified, especially since in Madras a much larger proportion of Brahmins and Educated men are to be found filling the office of Patel than in Bombay where Civil powers were Confiscated by Formal and where till lately no attempts has been

been made to raise their emoluments and Status.

It is very desirable to attain this end contemplated by the Madras Regulations, but given that in Bengal the selection of qualified Heads of Villages would for some time be very limited.

If the Zemindars be vested, the Superintendence of Regulation II should be removed and Executive Power should peculiarly be vested in the Magistrate & Zemindar Courts. A careful and gradual selection should be made of Villages in the Purgunnahs wherein the emoluments of Police have been fixed and Village Responsibility enforced for Groups rather than for single Villages, the best qualified Police and Purgunnah Peons being nominated with a small increase of Pay, Rents for these specified duties & Responsibility of the Original Zemindar, which if I am correctly informed, it has been found advisable to

adopt

adopted in San Diego.

In making an approximate estimate of the number of Indians which would fall to the Riverside Agency, Pechanga, the Head Quarter Station of Temecula Reservation should certainly be excluded, as there would be no occasion for the appointment of Village - Reservations at those localities, and indeed there could scarcely be needed in the future as in which Reservations are located, Village Tribunals being established with jurisdiction over a certain radius from the District Reservation Courts which would serve in lieu of Village - Reservations very conveniently.

The accompanying Return shows that the total number of Indians under the Agency intended in the Reservation Courts from 1875 to 1879 inclusive was 2102, of which 1083 originated in more than one Head Quarters and 1019 in the Tulare Co.

Further Examination as published in the next Return showed that 861 cases were discharged at Inoniffo Head Quarters and 241 at the other Salooh Kwarters.

Inoniffo Hd Quarters.

Inoniffo	75	76	77	78	79	Total
Fever	139	152	166	59	125	641
Rangasol	13	10	6	19	15	63
Anemia	4	4	10	"	1	19
Kandya	13	15	5	18	7	58
Dysentery	12	23	4	5	12	56
Kandiyan	14	7	"	"	3	24
Total	195	213	191	99	163	861

The total number discharged of in the Villages of Salooh, other than Kwarters Hd Quarters was 1019 making with those from Salooh Kwarters, other than those where Inoniffo were located, 241.

The Annual average deduced from 5 years books of Inoniffo Hd Quarters 1212

Remaining Taluk Kasbas 44·4

outlying Villages -- 203·8

But the number of Circles fills in Mysore South is so disproportionately large that Mysore must be excluded and the annual average of the remaining 5 Provinces taken would be 44 approaching very nearly that of the Taluk Kasbas.

The census gives the number of Villages in the Provinces as follows.

Mysore district	2175
Hassan	3190
Total	5365

By districts the number of Circles originated in Villages and Taluk Kasbas, other than those where Moonsiffs are located, would be,

	Circles in Taluks	Circles in Villages
Mysore district	102	484
Hassan district	120	535
Total	222	1019

The number of Courts below Kotdisposed of in Cities and Villages in this Division, excluding the Moonsiffs Head Quarters being 124 and the number of small towns and Villages 359 there would be only one Court to every 4 Villages, shewing that the appointments of a Moonsiff to each Village would be superfluous.

I have &c

"Sd." A. C. Kay.
District Judge.
Sole Division

"Copy"

A C Kay

District Judge.
Sole Division.

Plea of Common Recovery by the Demandant that Defendant at the Beginning and Admittance of Demandant Defendant's Power of Demand Warranty.

Mc Kinstry Ron
Cat Mc Connaughey
Adam Dietz

The Defendant in Custody &c. saying the Action of Demandant & Also the People from Demand and Defence of Warranty and Debt. But Also as for Voucher Patch in Court Here the Tenant who Demandant Ditz. Vouch the Person of Land on the Debt is Dispute on Account of the Warranty Ditz. Who has to Plaintiff the Land Demand Necessary the Mad Defendant the Plaint of Demand Nature Mackinaw and Warranty &c. Defendant &c. do to Brazil the Debt to Mad Also Land And if the Defendant Ditz Patch

Pleas of Common Recovery by the Demandant that Defendant at the Beginning and Admittance of Demandant Defendant's Power of Demand Warranty.

Village Bailiff to collect the Other fines.

Should that be the case he understands the system in this part of the country & he consulted Jorgen who found in the Village Capable of exercising such power.

The Second that the system will be attended with considerable advantage as the people generally are accustomed to it, that the collection part of it must first with the Village Bailiff.

Fatch & to find the Village Bailiff & Constable Conjointly & Secondly that the Other Intelligent Land holders may be appointed by the Village Bailiff. In the Neighbourhood of Nearing efficacy a Group of Villages together

By Collecting in the Villages Assistance in Charge of Bailiff

By Constable Assistance Village Bailiff

Observations of Suggestion regarding Second that it not Consider that any Special individual should be appointed Bailiff

Village must be found in every case - Should the advantage of Nearing

Answers for petty quit

Answering Applies

The objections are not well founded - If Field was invited into Court, some Answer ought to be put forward - Plaintiff in Error material the Plaintiff for Relief for error Quia pro Quia not giving Notice of his Bond

Michaelmas Term 1st Geo 3rd Anno

the Record either an Officer, may and he must be, signed & delivered Deed and Act as Deed - he is Attorney Sic in Original Writ Action Ans Mandamus in many Instances Corporation must originally Authority And to give Plaintiff any further Power - and Deed Seal & Delivery Corporation Act Private Seal Plaintiff Sealed & delivered Act of Plaintiff Sic Court of Litigation, and Copy the Record of Plaintiff Power Act in Original the Pleadings Courts are also well received, and it is Error for Plaintiff Record pleaded & Plaintiff Plea of the Pleadings Plaintiff Plea of the ignorant Fact.

2 Mich Mar Plaintiff Declaration Pleading Issue Fact Plaintiff Plaintiff, Plaintiff Error Plaintiff Pleadings Court Plaintiff Plaintiff

rendered it advisable that Village Munsiffs should be created. If however the extension of the system is deemed necessary the modifications need be made in Madras Regulations IV & V of 1816.

I think the whole question would require consideration more or less.

The Munsiffs of Mundya, Hassan & Toomkoor are all generally in favor of the Village Munsiffs system being introduced into the Province.

Munsiff of Mundya.

Observes that should it be considered unsafe to extend the system all at once indiscriminately throughout the Province, it may experimentally be tried in a few selected places, namely the head quarters of Talooks & Hoblies where the proceedings of the Patels are likely to be watched by the public and Government.

Munsiff of Hassan

He is of opinion that in order to secure efficiency in

in

77

In the Judge's Court House

City of Fredericksburg Commonwealth

of Virginia to Wit: Be it remembered that

heretofore to wit at the March Term of this

Court in the year of our Lord one thousand

eight hundred and forty four the Grand Jurors

of the Commonwealth aforesaid for the body of

the County of Spotsylvania upon their oaths

present that Thomas Jones late of the County

of Spotsylvania on the first day of March in the

year aforesaid and on divers other days and times

between that day and the day of the taking of this

Inquisition with force and arms at the County

aforesaid and within the jurisdiction of this Court

did unlawfully and maliciously cut and wound

one Thomas Jones with a certain knife which he

the said Thomas Jones then and there had and held

in his right hand of the value of one dollar

with intent him the said Thomas Jones then and

there feloniously to kill and murder against the

peace and dignity of the Commonwealth and

contrary to the form of the statute in such case

made and provided and the Grand Jurors aforesaid

upon their oaths aforesaid do say that the said

Thomas Jones is not guilty of the felony and

murder aforesaid in manner and form as he

stands charged in the Indictment aforesaid but

that he is guilty of unlawfully cutting and

wounding the said Thomas Jones with intent

him the said Thomas Jones then and there

feloniously to kill and murder against the peace

and dignity of the Commonwealth and contrary

to the form of the statute in such case made

and provided and the Grand Jurors aforesaid

upon their oaths aforesaid do say that the said

Thomas Jones at the time of committing the

felony aforesaid, &c, &c, &c, and so the

The Commonwealth of Virginia

Commonwealth of Virginia

Circuit Court of Spotsylvania

and Caroline counties of June

The Circuit Court of Jefferson &
Kanawha district in vacation
Chambers.

Subscribed & S. Sworn
District Judge
Circuit Court

"Copy"

Test Harrison Clerk
By District Judge
Circuit Court

Statement showing the No of Civil Suits of
in the Arbitrazam division from the ye

Name of Taluk	No. of Cases instituted and							
	1874		1875		1876		1877	
	No. of Suits	Value	No. of Suits	Value	No. of Suits	Value	Decd Number	Value
Mysore	"	"	139	5	132	4	105	1
Arbigram	1/4	"	13	3	9	13	1	1
Nanjangud	4	"	13	15	10	13	6	11
Talkad	"	"	1	13	1	29	"	3
Chamrajnagar	"	"	3	5	11	25	1	1
Gundlupet	"	"	2	2	"	8	"	2
Yelandur	"	"	7	2	1	2	"	1
Hunsur	"	"	4	5	4	5	10	11
Yedatore	"	"	4	10	"	17	"	5
Heggadevankote	"	"	1	3	"	6	"	6
Piriyapatna	"	"	13	20	15	17	3	2
Malvally	"	"	5	2	11	10	1	4
Krishnarajpet	"	"	9	27	3	29	4	2
Nagamangala	"	"	1	4	"	51	"	1
Kaifan	"	"	12	18	25	39	4	1
Manjerabad	"	"	2	4	3	2	1	"
Bilur	"	"	23	2	11	3	2	11
Hanchally	"	"	1	"	1	1	"	"
Maharajendrum	"	"	8	4	7	5	"	3
Chennarayapatam	"	"	7	93	5	1	"	"
Narsipur	"	"	14	5	7	14	"	"
Nekalgud	"	"	"	88	2	8	"	2
	"	"	278	334	259	209	201	63

No. of cattle sheep horses & hogs sold annually from
1874 to 1879

sheep sold					
1878		1879		Total	
Head Quarters	Talbot	Head Quarters	Talbot		
59	3	125	4	652	
3	7	4	8	59	
19	17	15	22	139	
〃	20	〃	19	86	
2	5	7	7	67	
5	19	〃	5	43	
〃	3	1	1	18	
9	4	1	11	64	
3	〃	1	2	38	
〃	20	〃	4	45	
18	11	7	8	116	
5	3	4	5	50	
2	8	〃	52	136	
〃	6	〃	22	85	
3	1	12	3	118	
5	1	1	4	19	
8	4	3	1	68	
〃	〃	〃	〃	3	
〃	2	〃	2	31	
〃	〃	〃	〃	107	
〃	〃	3	11	54	
〃	2	〃	2	104	
141	136	184	195	2102	

Halsey

Dan't Talbot
Markleyville

880 Quarterly Statistical Statement No. II. Civil Shewing the average duration of Suits the average Number of Adjournments and the detention of witnesses.

For	Number of Suits disposed of during the Quarter	Average duration in Days of		Average Number of Adjournments	No. of Witnesses Sworn after				Explanation of delay where witnesses have been detained till the 4th day
		Contested	Uncontested		1 day	2 days	3 days	4 days	
	1	2	3	4	5	6	7	8	9
Quarter ending 31st December 1879	Number of Suits disposed of during the Quarter	25·7	25·2	31	052	35	—	—	

Navigiano
5th January
1880

Asst. Nazir

Dist. Judge Ferozepore

Dist. & Sessions Judge Ferozepore

No: 100.

Subordinate Judge's Court,
Nassau

To,

The District Judge,
Ashlagnaw Division.

Dated Nassau 30th May 1879.

Sir,

I have the honor to acknowledge the receipt of your letter No 4 of the instant, requiring my opinion on the last head of your Circular Nos 1 and 2 of 30th ultimo, &c, for the decision of the Government of India in the Land Assessment and Administration.

2. With reference to the summary jurisdiction of the Subordinate Courts, the minimum sum in respect of which a suit under Act, and the limit I judge able to give in the several provinces, will not appear objectionable. The limit of jurisdiction in summary suits ought, and I can see no cause why it should not be fixed by the existing pecuniary limit.

3. On the subject of sales of land in execution of decrees, it cannot be stated that previous to 1852 Crown grants which were issued by Government on Kantoji tenure were not subject to judicial sale on the ordinary application of the party who first procured any right title in the estate, but after the lands were converted into zemindaries and assessment the proprietary right was deemed to be vested in the zemindar, and no such sales were made for debts due by zemindars by the Civil Courts. Subsequently to the introduction of the rules for the guidance of Revenue Courts framed by the Commissioner the Judicial Commissioner sales of lands had to receive the previous sanction of the Commissioner of the division. The tendency to delay the execution of decrees under the Commissioner

[illegible] Land Sales, but [illegible] necessarily
the [illegible] of the Judgement-debt by instalments -
The Powers of the Division Engineer the Pleasure
Time of the Court in the matter of Execution - On the
Application of the Provisions of the Act [illegible] of 1887 as
made by the Courts, Lands over Old Mine Areas May-
[illegible] to date Sales in Execution are Cases under the
Courts Discretion - The Local Government has
not contingent the Sale of Lands in any Stage of the
[illegible] the Collector under Section 300 of the Code of Civil
Procedure.

6. It is worthy of Consideration that Sandy,
dry Fields and such Lands deserve not to be sold
for old, the Mortgagee exempted from judicial Sale, and
thereby save the Property from passing out of the Hands
of the cultivating Classes - The one great Objection against
the Step in depriving the Court the Power of raising
Loans on the Security of this Land - in placing the Land
under the Mortgaging with Liberty to Cultivate of the
standing Crops on the Pleasure the Capital Nothing will
be permanently saved - Fairly represents the Idea of
creating Hope in the free Circulation of Property, but
in a Country like this there are many Conflicting
Interests to be reconciled, and the notorious Poverty
of the Peasantry, apart in unfavourable Years, such a Voluntary
Provision would be utterly Worthless, even if
the Long Term - Should not place under this restriction
Lands disposed on Status which afford a perennial
Supply of Irrigation and which Command always a
market Value as well as Such Lands which are always
saleable -

7. The Power of Arrest by being Considered un-
Justifiable, as which Officers do not Possess, it ought
to be Worth a Civil Power of Collection exclusively to
Civil Officers Such as the Subordinate Judges of the

or upwards. The suggestion of the Privy Council that the Governor General should be invested with power to suspend temporarily the sale of land in the event of a serious fall in the value of land or in the case of any extraordinary circumstances to which the peculiarly subject, with an extended period of limitation for the security of the assignee and for the protection of the cultivating class - the Privy Council do not think the appeal has put their case under ordinary circumstances.

6. We order that the necessary sequence of the appeal should not be expedited, since no property of this should be declared extraordinarily as not saleable in addition to what has been declared by section 3 of the Land Revenue Code. Under this head, we did not see grains of a specific quantity and also a reasonable quantity for the payment Commutation until the new Land Revenue Code, in accordance with the Directions of the Country.

7. Regarding the practice of Civil Courts re-opening transactions closed by the execution of formal deeds, it is depend not on the individual opinion or other judicial discretion of Courts. Mere fraud or error or any unconscious advantage is pleaded by the obligor the previous transactions are re-opened and subjected to the test of scrutiny, but under other circumstances a bond is held to preclude the enquiry into such transactions - A wise exercise of this discretion by the presiding officer prevents the possibility of any undue hardship

to the validity and necessity for this measure
to afford relief to the case of the Incumbents
of the Prestige Colliery of the Sugar Loaf Coal Co.
Coal is now largely worked in the Forest in the
Pinkerton District - in the counties of
Centre & the County of Dudley as County Courts,
and in the exercise of its discretion could in
it by Section 74 of the Bankruptcy Act, reduce
the interest claimed to a reasonable limit - 12
per cent per annum would be the rate stipulated
for if more appears reasonable - Any further
reduction of the stipulated rate up to date of
decree would have a repulsive effect to the in-
jury of both the secured creditor and more
especially of the Company who after stand in need
of capital for renewals and for permanent of-
Government assessment - The capitalists have
been asked - According to Lord Bacon "No lender
will lend out into the country but he looks
wealth and to have of manifold interest promised him
to do so" - In obtaining out so much capital
there is an appreciable disadvantage -

8. With regard to the Pleading & Practice,
it has become almost obsolete - In matters com-
menced with accounts, and in such cases the
Court may be allowed the discretion of Pleadings
since have a more Pleading & Form - Chapter
XXIX of the Civil Procedure Code 1877 refers
to arbitrators under certain circumstances,
but an extended discretion to the Court

such reference of its own question would answer well.-

4. I have to request for the delay in returning to this reference, which was due to unavoidable causes - the book of Selections from the records of the Government of India is herewith returned.-

I have the honor to be,
Sir,
Your most obedient servant,
H. Simmenhaisen
Subordinate Engr
Kaptan.-

86

1880. 5718

From The Commissioner
Nagar Division

To

Secretary to Chief Commissioner,
Revenue ~~& General~~ Department.

Section L.R
File No. 15-96 (3) 79
Serial No. 10

Dated 15th January
Despatched 16th -
Received 17th —

Enclosures No. nil

General No. 642
Rev. No. 252 1879-80.

Acknowledges the receipt of the Chief Comrs. Proc: No. 3333-36 dt. 31st Dec. 612 / last, and submits opinion upon the subjects of enquiry adverted to in the Secretary Revenue's Cir: No. 6 dt. 265-274 6th Dec. 1879.

19.1.80
VC
Send the papers as requested

Feb 642 / Rec'd 25 2 / 1879-80

87

State Lands
Commissioner's office
Adelaide 15th January 1880

To
The Secretary to the Chief
Commissioner of Crown
Revenue Department

Sir

I have the honor to acknowledge the receipt of the Chief Commissioner's proceedings No 3555-06 (612) last, calling for an expression of my opinion relative to the subject of enquiry directed to be by Secretary Bernard's Circular No 6 (265-274) of 6th June 1879.

2. The 1st head of enquiry relates to the proposed extension of Courts of Summary jurisdiction, in order to recover sums of the civil arising out of the contracts and incapability of Courts of Justice referred to in the Secretary of State's letter of 20th December 1878; and the 2nd head, to the plan of assessment of the land Revenue, varying under the areas described in Part 5 of Section

of 28 February 1857 from Government of India Home Department to the Bombay Government.

3. The question of conferring civil jurisdiction of a limited extent on Patels & other village officers under the designation of village Panchayats in order to render our Courts more accessible and to simplify their procedure, is intimately connected with the subject referred to under the fourth head, and in reply to a reference from the Judicial Commissioner on the subject, I have very recently after consulting the Officers of the Subordinate Courts advocated the introduction of the Madras system of conferring civil jurisdiction on Village Panchayats. It will not be practicable of course to confer these powers excepting on a small percentage of the village Officers in the first instance but as the system extends, as it may be hoped, it will by the means

will

will be afforded to the general popula-
tion of our district, of obtaining
speedy and cheap justice in regard
to all their cases as will fall within
the jurisdiction of village Panchayats
and Panchayats under Madras Regula-
tions III and IV of 1816.

4. It is contended that any
extension of the regular civil courts
or their S.C. Court jurisdiction is
needed. The civil courts have been
recently opened with S.C. Court
powers up to Rs. 200 for all cases
arising at district head quarters
towns, and the Panchayat courts
exercise similar jurisdiction up to
Rupees 50 in the towns where these
Courts are situated. The requirements
of the town populations are thus
satisfied, and in regard to the rest
of the people, more additional
facilities might be secured by giving
the District Panchayat summary
jurisdiction over the whole area
of their sub divisions, excepting
at district head quarters towns

where such jurisdiction is already
proceeded by Sub Judge.

5. Under the 2d head of enquiry
the question suggested is whether
it would not be wise to have a
varying scale of Revenue demand
to be applied in unfavorable
seasons, whereby the normal
assessment might be reduced by
a certain percentage over an entire
District or Division of a District,
in the event of a failure of rain
or other cause of serious damage
to the crops. I am aware that
by the principles of the Survey
Settlement, any variation on
the Revenue demand, are strictly
discountenanced, except at severe
crises, such as famine or serious
drought. Such a rule is desirable
in order to secure the just rights
of Government, after the Settle-
ment has once been fixed
at moderate rates; and to guard
against

against the capricious and uncertain
action of Revenue officers. But I am
in favor of introducing some such
arrangement as that suggested by the
Government of India, and especially
in the Eastern or Bengal Tables,
which are dependent greatly on
timely and sufficient rains, it would
be very desirable to prescribe some
rules for the guidance of District
Officers which would enable them to
modify the demand in any particular
tract specially affected. For instance,
where owing to failure of rain, the
crops may have suffered to the extent
(say) 3/4ths of their normal yield, within
a definite area comprising two or
more Tahsils, it would be equitable,
I think if the Deputy Commissioners were
allowed with the sanction of the Chief
Commissioner, in every case,
to grant a general remission within
that area of 1/4th of the land revenue
demand.

Have the honor to be

Sir

Your most obedt servt

Wm Hy Ward

Commissioner

Agar Du

No. 1635

Dy: Commissioner's Office
Mysore District
Camp Periapatam 24th Jany: 1880.

To,

The Private Secretary to the
Chief Commissioner of Mysore

Sir,

With reference to Chief Commr's Proceedings No. 5555-66/612 of 30th October 1879 calling for an expression of opinion on letter No. 265-274 of 6th March 1879 at page 432 of Records of Government of India, regret the delay in submitting my reply as by an oversight I neglected to pass the Volume on the date stated by Chief Commr and was collecting information thereon. I submit a Copy of a Memorandum received from the Assistant Commissioner Yedeyur under whom as though I do not concur in the views and remarks proposed therein there are several points in it which it may appear will merit the consideration of Government, and if desired I can remark on them in a Separate Communication

The points on which report is called for are

1st The institution of Village Munsiffs Courts

2d. Whether the jurisdiction is to be summary and the extent of such summary jurisdiction

3rd Remission of land tax or assessment in times of bad seasons.

2. With regard to the institution of Village Munsiffs Courts as worked in the Madras Presidency or the institution of Village Punchayets no native that I have spoken to on the subject is in favor thereof: they all consider the country not advanced sufficiently, the Patels too ignorant, the Shanbogues already too powerful, and that such a measure would simply make them more so and the Patél less so than at present; they are also invariably averse to Summary jurisdiction and the restriction of appeal.

3. My own opinion is that some measure of the kind is advisable but that a Village Munsiff scheme is impracticable.

4. My reasons for these conclusions are that universal indebtedness may be said to be the chronic state of the vast majority of the Mysore Ryots, that

the

the extent of his indebtedness, though real as to liability of the ryot, as per present Laws and regulations, is wholly fictitious as to the bonâ fide aid the party or his forefathers ever received from the creditor while the security of his land such as has been generally subsequently acquired by cajolery after a knowingly dishonest misrepresentation of facts by creditor to debtor: for instance an original small advance of grain or of a few Rupees repayable in kind from the produce of his lands has by manipulation year by year and false calculations, swelled into a heavy indebtedness with the mortgage of the land thrown in as security, while the original debt has been paid over and over again. Any measures therefore that require the Court to go behind the Bond to ascertain these facts or that establishes Courts or Officers who are themselves more or less cognisant of the transactions of the neighbours throughout and would ensure the production of such evidence must tend materially to relieve the mass of the ryots of many an unjust incumbrance and hence the institution thereof is

most

most desirable in some form or other and the going behind the Court must undoubtedly in Courts of all grades.

5. The scheme for every Village to have its Village Munsiff and Panchayet-dar is however in my opinion wholly unpracticable, not only for the reasons assigned in para 2 of this letter as observed by many experienced Natives, but also because the Patel is known very often out places than the ryots themselves from the many Lenders to whom his ryots are indebted and an adverse decision in any case, however petty, would be virtually signing his own death warrant as he would be put into Court and called upon immediately out of revenue by the Village Money Lenders. This remark applies equally to the leading respectable men of the Village. The Panchayet system would also have little chance of energetically by the ryot debtor if personally free and independent Panchayetdars could be obtained to adjudicate, but Village Munsiffs appear to me impracticable, and since the ruling caste is the given of a prior settlement of the claim would seldom result.

If

6. However appears to me that a tentative scheme might be introduced on the system proposed by an amalgamation of several Villages say a Court for Fiteen or other small per 2 or 3 Fiteen. Among the advantages of thus giving effect to the scheme it appears to me are the following:

1 A Central Court is brought almost to the Villagers door.

2. It is composed of the same class of men as the Village scheme provides for.

3. It enables a larger selection and therefore ensures more confidence and efficiency, while it should ensure more justice as there must be more independence and freedom from the Village money lenders advice and of operations is generally more or less circumscribed.

7. The composition of these Courts should be a Presiding Court of 3 Fiteen of which the Head of the Village to which the debtor belonged would be the President the other 2 members: all should sign the Proceedings and if any of them are Conjecent they should be then and

scribes, if none competent then they should 96 107
select their own recorder; as generally the Shanbog: e of the village would be a witness on one side or other it would be inadvisable for Government to appoint him officially to the duty and thus increase his power in the village which as already remarked is too great as compared with that of the Patels at present.

8. The record should be simple but the statements as made to the Court by every witness they should be bound to record with the individual opinion of each panchayet dar, while the decree should be in accordance with that of the majority.

9. It would only be necessary for the Deputy Commissioner to fix days for the sittings of the Courts in the various villages or one day a week might be fixed as the Firka Court day in the several villages in rotation when all Patels would attend and resolve themselves into several Committees as above.

10. The remmuneration to Patels should be uniformly 2 Rs. a day on which they sat or tried one or more cases, while the claiming party should pay 1 Anna in the Rupee to the Court on preferring his claim; if he gained it the deposit should at

once

once be refunded to him and recovered from the losing party in proportion to the decreed amount: at the close of the day each Panchayet would send in its petty to the Taluk with the cash which would be the difference between their fee retained and the costs recovered on all cases tried. In Majisterial cases there should be no costs.

11. The jurisdiction to be given them might be

1 Suits for recovery of debts up to 20.

2. All village caste and social dispute cases.

3. all cases of encroachments on neighbours lands, house sites, manure pits &c.

4 all cases of interference by self appropriation with village fomal, Topes, rights of way, &c.

5. all simple cattle Trespass or mischief to crops cases, assessed loss not exceeding 20 Rs.

6. all cases of petty thefts of property not exceeding 5 Rs in value.

7. all cases of assaults, abuse or hurt.

12. In Criminal cases they should have power to fine up to 10/- and to imprisonment up to 7 days. In any case of imprisonment awarded in excess of 2 days the

the Prisoner should be sent to the Taluk Lockup on the date of conviction in other cases to be enquired in the village Choultry the Patél being accountable the sentence is carried out, or fine received.

13. It should be optional with both parties are village Ryots to sue or complain to the "Civil Court" or in the regular established Courts of Competent jurisdiction, but if they elect the Civil Court they should be debarred from appeal, (the proceedings being summary) but open to revision by Deputy Commissioner, but suits by village Money Lenders whether he be the village Shopkeeper, Ryot, Goldsmith or other the Civil Court alone to have jurisdiction and should the Money Lender swell the claim so as to oust the village jurisdiction to be determined by the amount of decree the decree ~~to be~~ for execution to be transferred to the Taluk and struck off the file of the Civil Court.

14. Some scheme for village Panchayet Patéls Courts on the lines above sketched out with advantage to poor embarrassed Ryots, might, I consider, be elaborated but actually villagers with the Patél

as

as a single arbitrator, I fear, would not be successful.

5. The only remaining point regarding which the public question of [illegible] permission under exceptional circumstances such [illegible] is now observed annually at the discretion of the Sanitary Officer, for instance failure of [illegible] water supply &c. and therefore no alteration is now called for on this point, the present system working smoothly and suitable to my and Government's views.—

I have the honor to be,

Sir,

Your most obedient servant,

[signature]

Deputy Commissioner,

Mysore District.

Memo

The very large majority of ryots in India, and particularly in Mysore, being, proprietors of exceedingly small spaces of land, it is no wonder that these men are in a condition of chronic indebtedness to the money lenders of the Country. It is also the main feature of the ryots that the famine fraisal Government should unwittingly be one of the chief agents in increasing the already heavy burden of the ryot. Failure to pay immediate demand out of season, the Government does against the agriculturist. During April and May and January within which they the land tax has to be collected, just at a time when most of the ryots crops are still in the fields, undergoing the operation of threshing and winnowing &c. The consequence is that to pay up the Government demand the ryot is obliged to sell or exchange at very low rates his unthreshed corn. So that I could not be guilty of exaggeration if I assert that two thirds of the debts incurred by the agricultural class are for the purpose of paying the Government demand. Account must of any other purpose unless which may work to the detriment of the ryots solvency. He is frugal in his habits being from childhood used very poor food, hardly ever eats on marriage or funeral occasions any clothes or jewels, and yet he finds at the end of the year he has not much left to lay by or pay up the Government debt, which however clamps but steadily increases in bulk.

The Coorgs are not in a hurry to secure the debts, they permit the accumulation to continue perhaps

principle not drawing the attention of the Govt. to the growing evil and other detriment of the deteriorable in value to the entire agricultural debtors, suits are filed and in execution of the decrees the debtors' lands are sacrificed. The process adopted by the Sowcars is a patient quiet one unattended with any outward violence, often without the exchange of a civil word and what is more to the point without depriving in the mind of the ignorant debtor the slightest suspicion of the least foul play on the part of the Sowcar. It is this that characterises the people in South India and in many parts of Deckan and North India. Hence we have no Deckan ryots. Hence, the Legislature is not solicitous for their welfare. The Government appears to bestir itself when it sees dacoity villages, horrid murders and wholesale robberies.

2. Now as to the remedy to the evil:—

The Deckan ryots Act is supposed to be a remedy; I have strong doubts. The Act has most unequivocally irritated the Sowcars who have been called all sorts of names by every member in the Legislative Council. The Act has not granted on the other hand, any substantial relief to the ryots which was continuous prior to the passing of the Act. The question however should be made. The Act has abolished imprisonment for debt and I would strongly suggest that in future this relief may be granted not to agricultural debtors alone, but to all debtors alike; the distinction is a barbarous one, not tolerated even in the worst days.

days of crude deposits. 1.2

3. The present statute does do good: it is true the judges are empowered to reduce the bonds; but this, the judges had authority for doing and did prior to this act. There was no law written or unwritten that prevented the judges from doing so: the difficulty was not the not having of this power, the difficulty and at times the insuperable difficulty was in the way of doing it rightly - A is a creditor with a bond against B for $2000 five hundred: bond reads the consideration to be sixty money payment: if it however not so, but the amount ascertained on an account stated between the parties. Very often the man who has the possession of the documents detailing the history of the transaction is the debtor himself, and he naturally withholds them alleging that the past discharged bonds and receipts and vouchers are with the debtor, who in the eye of the law is wrongly to be the proper custodian. Now is the judge to proceed? The act is silent and its provisions about omitted receipts and village registrations are simply inadequate.

4. The most important improvement in the act is the section which attempts to secure the land for the poor. It is undoubtedly true that if the debtor knows positively that his chances of getting back of the rupee loan are small, a great deal of land good to the most will

will at once foclose. For in India which is an agricultural country, it is the ambition of every man to obtain land and add on steadily to it, and when one has no spare money, he strives hard by leading to meet initial charges to secure his land. But obstacles in the way. The act pretends to do but does not do it. The provision is no creditor could sell the land after decree unless he former had secured in the bond, the pledge or hypothecation or mortgage of the said land, which pledge, hypothecation or should at the same time have been registered in the Village Registrar's office. There is a preliminary objection to this: Hitherto our ryots borrowed small sums necessary for purposes of cultivation & without granting such pledges, often without document. The Sowcars willingly and readily advanced, assured that the debtors whole property, personal and real would be liable to debt whether there was a bond or not to that effect. But according to this, readily disposed, the creditor will take care to have such written, registered pledges, which means so much additional expense to the Ryot. And what after all does the ryot gain by such accurate definition of his liability? His land is not saved; for the pledge would empower the decree-holder to execute against land by attachment and sale. This provision is also inadequate again.

5. The other provisions are of small importance and the Civil Procedure Code contains most of them

form. The provisions about Village Immunity and Village Registers, the Conciliators are finally united to the Deputy Provinces and their introduction would create a body of unnecessary, hard remarks. I do not certainly admire these provisions. For the one which takes away much of the right of appeal. The object appears to be to lessen the cost; this may be effected by revising and considerably modifying the Fees act, which is surely exact in many of its provisions. The right of appeal is a valuable one and ought not to be taken away from the party.

6. Holding that the Act does not grant the right any substantial relief, I have a crude proposal to submit.

The causes which lead to it are as I said

1. Small pay of Subordinates

2. Early demand of Government Revenue:

These I take to be the primary causes. I am not quite sure that the third cause given stated is a just one: namely that the rate of assessment is too heavy. As regards the 3rd cause, nothing can be done now. Time may remove it. Now or under that circumstances, one cannot even safely guess. The second cause may be removed. December & January rents to be done away with. February and March to be anticipated; two ays to suffice. If red tape may condescend to change the financial year, February, March and April would be better. A third relief is remission of Government demand in every year to the extent by incapable ryot whose case will form the subject of Collectors report to the Government, upon whose sanction

above

alone it ought to be made. The general remission of Government revenue in years of Famine. Government ought in fairness to do this. Imagine a fair example to the farmer who is forced to over and over again by the insolvency of his debtor.

7. But the last and most important relief I would propose is this:-

a. The Civil Court shall in case of the Kind mentioned in the Petition aforesaid and in which the creditors had secured in the bonds the pledge, hypothecation and mortgage of debtors' lands, only pass a decree stating clearly the amount of the locality.

b. The execution against land should invariably be referred to the Revenue authorities.

The procedure the Auction sale will be a very simple one and shall in no case without add by further cost to the decree amount. This procedure is simply this:-

c. The Auction will attach and sell lands only in the following circumstance:-

Can a portion of the debtor's land be sold in full satisfaction of the debt and at the same time leave to the debtor sufficient land to enable him in the course of time to regain his lost status in the village? If so, such a portion shall be sold and the debt discharged.

Can this not be done? then do not sell the land, but direct that the creditor shall be paid by annual instalments from the annual produce of the land, deducting from it a quantity that will protect the Government

Cardigan, a quantity that will be sufficient to maintain the debtor and pay the manure and agricultural stock (human labor not to be had for out of the produce, the debtor residing strictly with his family).

A like deduction ought to be allowed to be calculated by the Auditor each year according to the market price.

If the annual produce not sufficiently large to yield any surplus, or surplus but nominal in value? Then declare the man insolvent. The debt is cancelled, unless at any subsequent time, any action 5 years the debtor circumstances improve, in which the like provisions may apply as the case may be.

8. If however the debtor is willing to part with the land irrespective of these provisions, he may be permitted to do so.

9. I recommend the Revenue officers be appointed to by the position in the Valuation better able to do this work than a sitting Judge in a Municipal Court or any other Court. The Auditors decisions will in these proceedings be subject to the control and check and supervision of the Deputy Commissioner.

10. As effect of this scheme will be this Government will not be so ready and eager to advance money as he is now: not getting money so easily, they will be more careful in the management of his estate, and more economical there will thus be a good check to the fatal facility which at present exists for getting into

puts debt. Case of prosecution of decree will also become dearer and possible.

11. I appreciate no very great increase to the Amildar's work, as he will have less Criminal work, no roads and bridges to look after and no taccavi to distribute.

12. There is one fact which often misleads us: the Civil Court returns showing the sale of land for debts are not sufficient to show us the real quantity of mortgage done by sale: not even a respectable minority of debtors allow their case to go to Court: outside the Court the usual relation between the debtor and creditor are in the large majority of cases settled, and the Candidate has no knowledge of the facts. The only man that knows of these transfers is the Amildar when he sanctions transfer of patta and when a new man comes up to pay Canda-yam. Even the Registration and Stamp Acts do not reveal the whole truth and the real quantity of debt: For both these Acts are notoriously evaded because the security held out by these instruments are otherwise secured without the heavy expenses which one has to incur under these two Acts. I shall explain this:- Has a debtor to sell his land to the creditor? Then he has arranged it at Jamabandy debtor produces his Registered and creditor puts in his "Kabooleuncah" in the incidental

enquiry

inquiry by Amidon or that commencement of cases except that the land from time to time sold and title vested in the Chattel possession is transferred, nor [illegible] legislation to pay the assessment and the very best evidence of transfer is retained - namely the Government records; what case the purchaser for registration and bond? I mention these facts to show that both Conferences are going amiss and that certain the land continuing the agricultural debtors have not been fairly dealt with, their case deserves fair consideration and relief.

13. The judicial sale of land is often a farce: even the right title and interest that is sold and these grand words often mean nothing: there is always a feeling of uncertainty in the purchaser for Courts of equity will not help the bid go not very high often for nominal sums valuable property is sold. another reason why judicial sales should be abandoned.

Yours R. Registration.
Assistant Commissioner

"Copy"

Deputy Commissioner
Bijapur District

109

1916

From
The Dy Commissioner
Ingoma District
To
The Chief Secretary
to Govt & Ingoma

Dated 24th
Despatched 26th January 1916
Received 18th — 2nd —

Encls: Nil

ep. 1635.

Submits opinion on the subject of the Law of Land sale -

28.1-80
HD

Section A.R.
File No 15 of 79
Serial No 11

No. 1450

Deputy Commissioner's Office
Cuddapah —
dated 20th January 1880
Recd 30

No. Rem. Proceedings Pge 1 to 5

From
The Deputy Commissioner
Cuddapah

To
The Secretary to Govt
Chief Commissioner of
Mysore
Revenue department

Sir,

I have the honor to submit
the opinion called for in Chief Commissioner's
proceedings No 3555-56 dated the 5th
October 1879 on the point referred to
in the circular letter from the Govt
Department of the Local Government and
Administration dated the 6th December
1879 published at page 482 of the
Collection from the records of the
Government of India Home Department
No 155.

2. Stating the above circular letter
briefly the question which has practically
arisen, which may be stated as follows
viz, whether there are any District or
Taluk Officers in Mysore in which
the Head of an Establishment of

a

a kind person buying with the
Lemon might be offered with advantage.
2nd Whether the Sweetzer system can
be utilized for the Rapid Spirit
Lists.
3rd Whether chemical Research
cannot be Carried out in the Lemon
Trade with a Commercial Prediction
and if so Within what Limits and
Capital it might profitably be the
Subject Matter of the Circ.

With Regard to the 3
Question, Mr. Cannon Sinclair
thought any Research that the Society
Committee to be kept in View in the
determination of this Question is that
the Lemonade of this Class had
been in Low Repute since
During the 18th Century, that
Fruit is a Luxury
Trade Requirement & Not Food for
Instant Use like the Lemon, or Orange
or Literally Apples, & is Practically
Used for Drink Purposes Only
& Various Qualities & Prices that in
the Latter Instance it may be used
Like a Cask of Sherry and Demand
Nothing with the Lemon. If this Society
this be Objection to Buy that the Research
in the Latter Instance Many of Fruit the

Co

be expected to admit of a good margin in good years for the payment of the settlement of the bad years. This is not, however, on account of as is said by some, the custom of reckless extravagance in marriage and other ceremonies so peculiar to India; for I do not think that the pernicious custom infects the mass of the people as it does certain particular classes; but in the case of the land holdings owned by the great majority of the agricultural class, if on the one hand it seems almost impracticable to fix originally the settlement so as to leave for the owner a yearly surplus capable of meeting the Revenue demand of the bad years except by steady and careful accumulation from year to year, it seems on the other hand equally certain that the same circumstance should make the amount possible to be saved at any one time little attractive to the propensity to hoard, which, generally for the class of men concerned more than for others, seems to constitute the direct incentive for endeavouring to lay money by, rather than a provident care against the future — The consequence is that

that they could come to get
with their hands for already-printed
cards in some particular
order, to find registered voters
from districts or neighbors or even
from the last year's county register
plan.

The only efficient plan I can
see is for the Secretary of State
to appoint an all-year Central Committee
of the Democratic Party for each
legislative district - one
Republican and a Democrat from each
county - and the Chairman of the
Republican and Democratic State
Committees and a Secretary of State
to act. This
different method for the selection
of these committees would be
from the Democratic Party Central
Committee and the Republican
Committee of the County.

Such steps, as already
stated, a real difference in the
qualifications of the voters
to participate according to the
law of the city - the very first one
could have failed to retain some

the law directs the duties of the Coroner and the Magistrate of the City and may constitute in the County. Some explaining the principle above set forth, it will be seen that for the Coroner only a fixed money allowance is to be received and in his case always the case. But such a Coroner allowance for the use Coroner three precincts is sufficient & just. If Coroner from the City getting Coroner's Coroner should be added that the Magistrate or Police Clerks and Constables enjoy a Regularity of receipts as are limited in the Coroner. For the Coroner, a fixed money allowance is undoubtedly the fact. Since the Coroner's which are depended upon the Coroner in the Coroner fees Coroner allowance must necessarily cause the Coroner income Coroner. The Coroner Coroner's Coroner, Coroner the Coroner's Coroner Coroner Coroner and Coroner Coroner, Coroner, Coroner, and Coroner is always an uncertainty in connection with the Coroner's Coroner Coroner of the Coroner Coroner Coroner Coroner Coroner in regard the actual Coroner Coroner Coroner Coroner under the Coroner Coroner the Coroner Coroner of the Coroner's Coroner Coroner Coroner the

the Subject to Legislative Control.
Nevertheless in relation to Lands to
be sold at the Time Lands in the Vicinity
of the Railroad Stations should be
disposed of at the Time Commissioners
Through the Superintendent.
The Question however is, if Government
Settlement is entitled for the Land
assigned hereafter, if it not Justifiable
Price to the Full Extent of Value
with the former Question connected?
The Answer is, it is not. Justifiable also
Means should exist in the Remuneration
already stated to and there Means
the given Sufficient Fulfil. Also
Justification Purpose is Time a Sufficient
Settlement alone Ingoing with the
Lessee in the Next for Sale-Land
or Sale on the Advantage of the
Railway. Existing without the Disadvantage.
The Settlement Purpose Ready to Satisfy Sale
Lands Regarding, the Granted Subject
of Free Ways out the Plan of Reserve
Settlement, but Should Many Lands
Pay that Here is no Difficulty in the
Way.

There is Superior Should also
be Sale Suggest upon the Question of
Settlement if Ready to be Sale to Settler.
There is Notice a Withdrawal Existing
Justification with the Purpose Ready to
Superintend the Existing the Settlement

upon

upon which they might have the best
or his own discretion the estimated
value of improvements which the holder
of the land thereafter should have placed
upon it, and that the land should be sold
to any person who might make application
for the same, after due notice of the sale
of the preempted claim of 320 acres
the person applying to make payment
in legal tender at the land office to
be appointed by the President, which
said payment will be in addition
to the payment and duty
prescribed. The first section secures
to the settler a preference right of
entry, which cannot be defeated
except by the failure of the settler
to make payment. The second section
provides that the sale of
said land for payment shall vest in
the purchaser a complete title to
the land, subject to any legal
claim thereto, and exempt the same
from any lien created by the settler
while under the pre-emption laws.
The third section provides that
the proceeds of the sales of
pre-empted lands shall be paid
into the Treasury of the United
States, in the same manner as
the proceeds of the sales of the public
lands are now paid.

Mr

mek produce and to sell, they should
not be entitled to a patent until
they file with the Register of the Land Office
a sworn statement showing
the number of acres and
the character of the land,
and that the settler is by the
cultivation of the same entitled
to the patent, and the affidavit of
two credible witnesses must be
corroborated as to the facts
stated. Upon the filing of such
affidavit by the settler, and
the payment to the Receiver of
the sum of $ per acre for
the land claimed, after the
expiration of six months from the
date of settlement, the settler
shall be entitled to a patent
for the land, upon the proof
being made to the satisfaction
of the Register and Receiver
that he has resided upon
and cultivated the same
for the term of three years
after filing his declaration
of intention to become a
citizen of the United States.
No person who has
voluntarily borne arms
against the United States
shall be entitled to the
benefits of this act.
Each entry shall be
founded upon an actual
settlement made upon the
land entered, and not for
the benefit of any other
person or persons whomsoever,
and any person who
shall attempt to
enter

condition of the agricultural classes at the same time that it does not compromise any rights to which the Govt is justly entitled. I have presumed to bring this subject forward though somewhat at the expense of a digression as I consider it of equal importance with the 1st question now immediately under consideration.

6. With regard to the 2nd question, I beg to be pardoned when I submit that in no subject does a greater mistake appear to have been made in the direction of disregarding the old institutions of the country than in practically ignoring the immense aid the old Panchayat system could have afforded the administration of Justice, & in matters Civil notably. When the British Government assumed the Administration of the country there were abuses in the system, they could have been without much difficulty reformed and improvements effected so as to make the system work in harmony with the requirements of the present day. Certainly the Panchayat could not by no possible contrivance be made the substitute for the regular machinery of the Courts. But it could with great benefit to the people, especially the agricultural classes, be made a powerful

powerful society to act to have their proceedings and collect litigation and leave for. Then a Centennial Petition in connection with the question Relinquishment for Mining Claims the Surveyor Posting in a Tunnel Location, can give him with letter Register to Land Register then a Tunnel Survey Necessity in Defining Legal Title can give Copy to Co. Letters Patent, Sec, a Proper Officer for Certificate Commissioner until a Fee of Evidence the Register Office Duly Case in the Entry immediately on the Plat of the Year Selling Title Page Run to Form a Book Use, Register Civil Suit can Act Case be Necessary Register, Office with the Person, in the Proceedings Patent in Service, in will Party be a Case to the County.

7 Notice Register of the Land Register Except the Court Stay Proceedings Court Case Forms Decision Act Consent at the Certificate Necessity Case per Court Statutes in Case of Certain Entry Act Executing Act of Case and the Case Proceedings Copy in Case of the Case Entry Act Executing Book in Case. Of Execution of Entries

Petition of the Principal Cause
called for Trial at present the Justice
of the Peace of the Planning Court
Hall of Court the Petitioner Plaintiff
and Defendant appearing the Petition
and also the Petition and Defendant
appearing the Cause for the above
Office Hearing Witness Court Proceed-
ings for the Disposition of the Case

Respectfully Yours &c

Sir

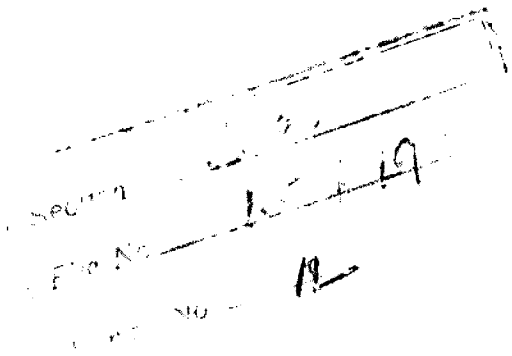
Your Most Obedient Servt

J. Papanicolaou

for Respectfully Yours

1880

From Asst Commissioner
Kaira Dist



dy 29 January 1880 —
Dely 30 "
Recd.

No 1430.

Submitting his opinion
on the several points
annexed & in the
Circular from the Govt
of India, Home Dept
regarding the Land
Revenue Code —

2 2 80
NS

R

Vol I L

1880

From

The Secretary to the Chief Commissioner
of Mysore, General Department.

To

The Commissioner of
Shimoga & Chamarajanagar Divs

Section G.R.
File No 15679
Serial No 19

Dated 24-4 March/80
Despatched 27
Received 29
R/D. 3/4/80.

Enclosures No.

General No. 6884
G. No. 12.

This office ~~said~~ no. 3555-65/R612.
dt. 10-10-79 & reminder
no. 4296-6/R838 dt. 8 December 79
requesting the early submission of the Report
called for on the Several
points noted in Govt letter
for 1879-80 from Home dept. to Local
Govt dt. 26 March 80 published
at page 32 of the
Selections from the records
of the Govt of India, Home dept.
on the subject of the Land
Land Sale.

Draws attention to the
above & requests early
reply.

M.R.

5/7

D. Rice

Revenue Nos. 175

1878

From Deputy Commissioner
Tumkur District

To

Secretary to Chief Commissioner,
Revenue ~~General~~ Department.

Section A.R
No 15-74
Serial No 124

Dated 8th April 1880.

Despatched

Received

Enclosures No. 1

General No. 7 } 1878-79

Chief Commissioner
Proceedings No 3555-56 dt. 10-
612 /
October last.

I submit a report on the subject of the sale of land sales.

9.4.80

Deputy Commissioner Tumkur

5/7/80

No: 1/1

Temitar District
Deputy Commissioner's Office
Temitar, 3rd April 88.

To,

The Secretary to the
Chief Commissioner of Assyore
Revenue Department.

Sir,

I have the honor to acknowledge the receipt of Chief Commissioner's Proceedings No: 3555-55/612 dated 13th March last on the subject of the Law of Land Sales, and in reply to submit the following observations:—

2. On the question of the expediency of leaving the summary jurisdiction of Civil Courts, I beg to submit that so long as our Courts have their present large territorial jurisdiction, and are encumbered with the present costly and intricate procedure, no material benefit can be anticipated from increasing their summary jurisdiction. The system of appeals also and liability to the average continuance of litigation of the

Class

cases in which the Privy Council finally involved much against its will. Such appeals as are preferred only in a very small proportion of decided cases; and when they are prefered, there is often good reason for it. I think that the fact an appeal lies is generally found to be a wholesome check upon the arbitrary tendencies of some judges. It is not desirable to dispense with such a check. The marked success of small Cause Courts in England is mainly due to a vigorous public opinion, but a healthy control is wanting in this Country, and as there is no reason to complain of the System of appeals as working needlessly to the burdens of the Poor, I think that any summary and final jurisdiction to our Courts as at present constituted would be extremely undesirable, except perhaps in large Presidency Towns.

3. Even in cases summarily tried under

under the present system the cost is very large owing to expenses on account of Criminal and previous and the large unnecessary expenditure in execution of decrees. As a matter of fact the provision is not really required in order to secure the prompt dispatch of cases, 1stly because our Courts have the power (which they should be made to use in all proper cases) of dispensing with a considerable portion of parties, pleaders fees and charges and 2ndly because they are not (at least in this Province) so enormous that they could not be made to make a record of the evidence even in the smallest cases.

4. The present criminal system of our Civil Courts is greatly in advance of the people, and we have necessarily to maintain the extraordinary provision as regards sufficiently intelligent and well-paid to work such a system.

The

The Ryot does not appreciate it — does not understand it, and he is too often completely in the hands of the more knowing money lender and his willing coadjutor the local Tahsildar.

5. The remedy in my opinion lies in providing proper tribunals near the homes of the people, to which recourse could be easy and inexpensive, and where justice may be promptly had. I would under such circumstances strongly advocate a system similar to that of the juge de paix of France and the Village Munsiffs of Madras, but so modified as to be capable of satisfactorily working by the machinery available in this Province. The Village Panchayat as a body are at present not equal to this duty, but I believe it is possible to select a few of them and make a beginning. In the first instance it may be desirable to invest them with the power of deciding only uncontested cases and

rejecting

registering and recording such decisions.
and there should be no expense attached
in the shape of stamps and processes -
Where both parties agree to submit their
differences to a Village Panchayat the Panch
may be authorized to convene such a Panchayat
and record them in their inquiry and register
and execute their decisions. If the cause
is contested & where no submission to the
arbitration of a Village Panchayat has
been made by both parties, Plaintiff may
obtain a Certificate to that effect from
the Peon and file a regular suit in the
ordinary Court, which without such Certificate
may be debarred from entertaining it
until after a fixed limit of say Twelve 10/-
If it is noted what large number of
Cases are decided Ex parte or upon
admission, it would readily be seen
that the field of work covered by such
a system would be very considerable,
while the saving of time, trouble and
Expence would in itself be a great boon

to

to the people, not to mention the immense advantages to be anticipated from a system which would be essentially one of "Conciliation". 2ly beg to enclose an Extract from a Letter of this day from me to the Judicial Commissioner giving further details of the system I propose. [x] See A.

6. Regarding the question of adapting the Land assessment to the variations of the seasons, I fear that such a system is liable to great abuse and would practically involve a return to the old Cattaya system: and there is no part of this District in which such a system is really required.

I have the honor to be,

Sir,

Your most obedient Servant

Kshirodra Jes

Deputy Commissioner

Tumkur District

K.B.R.

Extract from letter No. 4 dated 8th April 1931 of the Judicial Commissioner of Ajmere

* * * *

3. In order to avoid the risk of failure inherent in the existing change, I would not in the first instance invest the Panchayats created with all the powers of the Chandras Village Panchayats, but would begin by adopting a modified system embodying in one Regulation the duties of Village Pokaris and Village Panchayats. The outline of the modified system may be conceived as follows:—

i Village Pokaris to receive plaints in all civil cases below Rupees 2- except suits for damages for personal injuries. Plaints to be written on plain paper and the cause of action should have arisen within the last 2 years.

ii When a plaint is received the Defendant must be orally summoned by the proper Village Servant.

iii

iii. If Defendant fails to appear after due notice the Plaintiff must proceed ex parte.

iv. If Defendant appears the Plaintiff must try to effect an amicable settlement and register any such settlement which may be made. If Defendant admits claim in full the Plaintiff must proceed accordingly. If Defendant admits the claim in part and the Plaintiff agree to accept a decree for such part and to forego the rest of the claim, the decision must be passed accordingly. In the decree the Plaintiff must allow reasonable time for the execution of the decree.

v. If Decree remains unsatisfied at the end of the time fixed therein, or where no time has been fixed, at the end of a month from the day on which copies of the decree were delivered or tendered to the parties, the Plaintiff must on Plaintiff's or

written

written application attach and all defendants property subject to Rules laid down in Section XXV of Regulation V.

VI. If the parties are unable to agree the said Panchayat refer them to the regular Courts, and give the plaintiff if he desires a Certificate to that effect

VII. Whenever any persons are desirous of having a Village Panchayat formed for the settlement of any claim which one person may have against another and they express their desire to the Patil, the Patil convene such a Panchayat and refer the matter for disposal with the written agreement of the parties to abide by the decision of such Panchayat. The rules in Regulation VI need only require any modification.

4. Such a system though leaving very little in the hands of the Patil, would certainly tend to make him more respected

and

and would greatly increase the influence and ability to effect an amicable settlement of existing differences between the neighbours. As a large number of cases are decided ex parte or upon admission it may reasonably be expected that the system proposed would have very little effect upon the business. It would greatly reduce the expense of petty litigation and it would save the parties the inconvenience of a long absence from their homes.

I have &c.

(Signed) K. Mackenzie

Deputy Commissioner

"Extract"

K Mackenzie

Deputy Commissioner

Encl.

R

MYSORE CHIEF COMMISSIONER'S OFFICE,

MUNICIPAL.

Bangalore, 6th July 1880.

No. 1965
R. 306

Rec'd 12th July

Section	L. R
File No	15-79
Serial No	1-79

To The Commissioner Shimoga Dist.

*Subject.

Regretting ~~Transmitting~~ opinion on the several points noted in circ. letter from Home Dept to Local Govts dt 6th May 79 published at page 432 of the Selections from the Records of the Govt of India Home Dept. on the Subject of the Land Transfer Act.

No. 3555-66/612 dated 10-10-79.

Subsequent reminders Nos 4790-6/R833, 6884-5/1207 dated 18th Dec 79 & 24th March 80

SIR,

I am directed to invite attention to the communication *marginally noted, and to request an early reply thereto.

The Report is Confidential

I have the honor to be,

Sir,

Your most obedient Servant,

for Secretary.

Mysore Govt. Press, Bangalore.—6-2-9.—100.

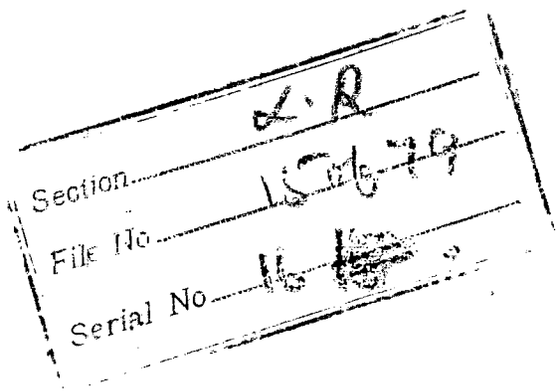
5/7.

1880.

From The Deputy Commissioner
Shimla District.

To

Secretary to Chief Commissioner,
Revenue ~~General~~ Department.



Dated 14th July/80.

Despatched

Received 15 " 80

Enclosures No. one

General No. } 1880—81.
No. 192.

Submitting opinion on the subject of law of land sale.

19.7.80

[illegible]
received - [illegible]

Replies are called for by
Sub-D to Rev. Secy on the 21st
1880.
Correspondence attached before.
on the subject.

19-7-80

No. 192.
Rm. One.

Deputy Commissioner's Office
Shimoga District.
Shimoga, 14th July 1883.
Dpo 15th.

To

The Secretary to the
Chief Commissioner
Revenue Department.

Sir,

With reference to the Chief Commissioner's Proceedings No. 355 C-66/612 dated 5th October last calling for my opinion on the several points noted in the circular letter of the Government of India published at page 432 of the Selections from the records of the Government of India, Home Department, on the subject of the law of land sale, I have the honor to state that the points noted in the said circular are:-

1. The institution of the courts of various grades with a summary jurisdiction, and increasing it, where the Courts possess it.
2. The establishment of village Panchayats.
3. The introduction of an assessment on the land varying with the season.

2. As regards the 1st point, under the

the present Rules the Subordinate Judges and Munsiffs can be invested at the discretion of the Local Government with Summary jurisdiction, the former up to Rupees 500 in the District Head Quarter Towns, and the latter up to Rupees 50 in all parts of their jurisdiction except the District Head Quarter Towns. I consider that the Summary jurisdiction of the Munsiffs may be advantageously increased up to Rupees 100, if the System of Supervision and Revision provided in the Dekkhan Agriculturalists Relief Act XVII of 1879 as safeguards in lieu of appeals be introduced simultaneously & bygone for cases, the amount or value of subject matter of which exceeds Rupees 20.

3. As the amelioration of the condition of the agricultural population is chiefly in view, I think that the proposed reform should be synchronous with a re-adjustment of

of the subject matter falling within the Revenue Courts. (4) Between the Revenue and Civil Courts have concurrent jurisdiction in some matters, while the 3rd incident of litigation in both are the same. When constituting the Revenue Courts in Circular No. 522 Rev. 3 dated 8th June 1864, Mr. Bonnerjee had in view the avowed object of bringing some of the rights, more characteristic and substantial justice, leaving the Civil Courts to be resorted to by those who could afford it, say for a more costly and technical procedure. Working on the lines of the Revenue Procedure of 1864, I think that the time has arrived for defining and regulating exclusive the respective jurisdictions of the Revenue and Civil Courts in this Province. The raison-d'etre for the former has been repeatedly brought home to my mind in an irreproachable manner during my intercourse with the right class for several years

fact. The Amildar is the embodiment of authority and justice & the ryot. he does not understand the rationale of having different Courts for different objects, and considers it irksome in the highest degree & be referred to a Civil Court for a petty cause, which, if jurisdiction rested on his wishes, he would very much like the Amildar & dispose of then and there. I am so strongly convinced of this that I may safely affirm that were a plebiscite be taken, the ryots would en masse and almost without a dissent plead for a reversion to the system, by which they knew only the Amildar as their civil judge up to a certain limit.

4. Under the above belief, I am of opinion that the cases falling under the head "Proprietary rights" may be transferred to the Civil Courts, the Revenue Courts exclusively trying cases under the heads Land proprietary rights.

rights, Inami cases and disputed claims - In order to carry out this reform, it is necessary to free the Revenue Courts from the operation of the Court Fees Act, with the exception of an 8 annas stamp to the official to the initial petition of, however - under Section XII of Bombay Act, of 1865 is free in favour of the occupants of Government lands are entitled to recover the customary rent from their Subtenants summarily, but the Regulation XIII of 1827 therein quoted not having been introduced at the same time, the law remains inoperative. Holders of Inam villages, and, as recently decided, of Inam lands also, are entitled to the same relief, as also Jahir, Jalari and Inagatti for the Pais due to them - But, as under the Proclamation dated 3rd August 57, the rules in the subject are to be availed of only by such inamdars as have adopted

the fiscal account prevailing in government villages, the law has almost become nominal. Irrigation and boundary disputes are intimately connected with agriculture and require speedy disposal. The other cases under the above heads are also connected more or less intimately with agriculture and with claims to the village office, so that keeping steadily in mind the problem enunciated of adapting justice and its <u>rouages</u> to the requirements and genius of an agricultural country like ours, I think much logic is hardly required to prove that the Revenue Courts should be utilized much more than at present in the manner that <u>juges de paix</u> are elected to be in France. Moreover, in order to prevent misconception as to the nature of the cases and the procedure to be adopted, a clear Revenue Code appears to be a Sine qua non.

5. Regarding the 2nd point, I had lately

the

honor of submitting my opinion to the Judicial Commissioner in reply to a communication from him, and beg to enclose a copy of my letter No. 1483 dated 5th March 1880. It has been pointed out that the mental calibre of the Bysack Babú is on a far more or less with that of a Bengálee village Moonsiff, and that if the latter has on the whole proved a success, there is no reason why the former should not do equally well. It may be replied to this that there are Babús and Babús, and instead of a universal application of an inflexible rule, I would suggest that in each Sahib a few of the most intelligent Babús be invested with the power to dispose of petty cases. Any under Rupees 5 decided by a village Panchayat. The village Panchayat is no new institution, and only requires to be legalized and weaned from its present disreputable to prove a source of much potential benefit to the rural population. I am only sketching out the outlines of the system, and if it recommends itself to

government, the necessary safeguards and details can, I conceive, be laid down without much difficulty.

6. On the last point, I do not believe that the Mysore ryot is so generally steeped in debt as the Deccan Ryot. Although the periodicity of famines in Mysore seems to be an established fact, the climate of even the Maidan Taluks is, I believe, on the whole more equable and certain than that of the Deccan, and average harvests in this Province are neither so precarious nor so low between. The Tippu gardens in the Maidan are perhaps an exception. A variety of causes has made them, especially the Pattu Brahmans, the landed class of the local Sahukars, known also as Settigedaru. They are so much in debt that unless the Government intends to evict the Sahukars by buying off their debts on the mortgage of their gardens, - a contingency, for which I do not see much hope under present circumstances, - their release from indebtedness and ruin does not appear

appear to me to be easy of decided accomplishment - Their condition and the causes thereof are however under special enquiry, and need not be referred to here more in detail - Still I do not think that any special legislation is called for at present in the matter -

7. It must not however be forgotten that notwithstanding the unceasing and unmeasured condemnation which has of late been focused on the village money-lender, he is a part and parcel of the village economy, and without him the ryot would only jump into "the fire from the frying pan". At the same time, I beg to be permitted to remark that in my opinion a little scope for the judicious exercise of discretion might with advantage be permitted to the Superior Revenue officers in the matter of the annual land revenue settlements. The Survey assessment being fixed as the maximum legal demand on occupied Government lands

the District Officer has no alternative but to exact it in all seasons with the utmost strictness and rigour, and rather than allow any diminution on account of bad seasons, the present system re-quires that the recipient all, with little or no exception, should be sold and if, even then, the Government demand is not fully realized, the unrealizable balance is struck off under the sanction of the Chief Com-missioner on annual statements. 8. Speaking unreservedly, I think this system appears the unfavourable rigid. From time immemorial, the people have accustomed to annual remissions graduated on the state of the season and harvest, and even the finely popular Sinjha Saiki Shi-hra set no relative as to be free from annual remissions, known in the old Bednur Country as "Berij baki." The settlement officer had the power up to the time of the Canara settlement to remit a portion of the assessment on account of loss of crop and the

causes, and I am not aware that the public prosperity has been greatly impaired since even in the Scaled as to render unnecessary the continuation of a loan, which on the whole was deemed highly beneficial. I am free to confess that the investiture of the local authorities with a discretion in the matter of the revenues will lead to abuse on the part of petty officials, and that remedies may not always reach the most deserving. But I submit that no revenue system yet devised is free from this objection, and so long as the public human nature remains what it is, we are daily allowed a choice of evils. Of a counter-balance for this, it must be borne in mind that we are getting a greatly superior class of officials, and I fervently hope that the District Officers under the new regime will not be less trustworthy than their predecessors, who had been working

working the "Ling Lake."

I have the honor to be

Sir,

Your most obedient servant.

[illegible]

Deputy Commissioner

Chiefly for District.

Encs

No 1483.

Deputy Commissioner's Office
Shimoga District.
Shimoga 5th March 1858.

To

The Judicial Commissioner
of Mysore.

Sir,

In reply to your Circular No 105
dated 2nd ultimo, on the subject of
conferring on village officials the honor-
ary village Magistracy, I have the honor
to state that as a rule the Patels of
this District are very deficient in the
necessary qualifications, and a very
large proportion of them are illiterate.
It is true that here and there Shan-
bhogs and Patels of exceptional
intelligence and influence may
safely be invested, but in my opinion
the country is not yet ripe for such
a general measure.

2. The village Police has not yet been
organized, and in the Malnad —
Talluks there are no Talluk and
Sheristadars, without whom the Patels are
simply powerless in the performance
of the duties appertaining to their
office.

3. It appears to me therefore —

necessary and advisable to organize the village establishments first, and then to introduce the village municipal scheme gradually and tentatively by investing ~~the~~ only such of the more prominent chiefs and headmen as are duly qualified with the prescribed powers. By this time, it is to be hoped that a large number of the present effete and illiterate headmen will have died out or given place to more qualified successors, when the general introduction of the measure could be more beneficially advocated.

4. As the office of headman is hereditary, it may be expedient to require the present incumbents to educate their would-be successors or have the election of the selection being diverted to the most qualified member of the family irrespective of the existence of near heirs.

I have &c.

(Sd.) V. A. Narasimmiengar

Deputy Commissioner

Shimoga Dist.

"Copy"

(Sd.) V. A. Narasimmiengar

Deputy Commissioner

Shimoga Dist.